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MORNING SESSION

JUNE 7, 2021

(The following occurred outside the presence of the jury.)

THE COURT: Okay. Are you all through with Mr. Marquez?

MS. CHIEN: Yes, Your Honor.

MS. SCHEFFEY: Yes, Your Honor, we agreed to let him go.

THE COURT: I will so advise the jury. Who is the next witness?

MR. WHITEHEAD: David Tracy, Your Honor. Mr. Tracy.

THE COURT: Say that again.

MR. WHITEHEAD: David Tracy.

THE COURT: Bring the jury in, and bring the witness in.

(The following occurred in the presence of the jury.)

THE COURT: Ladies and gentlemen, counsel has advised that they have completed their examination of Mr. Marquez, so he has been excused. We will go to the next witness this morning, Mr. Tracy.

Mr. Tracy, if you will raise your right hand and be sworn.

DAVID TRACY,

having been sworn under oath, testified as follows:

THE COURT: You may inquire, counsel.

## DIRECT EXAMINATION

BY MR. WHITEHEAD:

Q Good morning, Mr. Tracy. There you are on my screen. GEO is your current employer; is that right?

A Correct.

Q Your job title, sir?

A Detention facility officer.

Q As a detention facility officer, you are someone that is directly involved in the direction and supervision of detainee workers. Do I have that right?

A Yeah, well, safety and security of the facility, monitoring detainees.

Q Will you answer my questions today about the detainee worker program?

A Yes.

Q Before we get into the worker program, I would like to take one step back. What did you do before you began working for GEO?

A I was an off-track betting manager for Emerald Downs out of Lacey, Washington.

Q Why leave Emerald Downs for GEO?

A Better opportunity, better benefits, better pay.

Q When did you start working at GEO?

A October of 2009.

Q You told us you are a detention facility officer. Could

1 you give us a list of the various job titles you have held in  
2 your time with GEO?

3 A I was a detention facility officer from October -- from my  
4 start date until, I believe February 2017, I promoted to a  
5 sergeant. I was a sergeant until I think July of 2018, and  
6 then I voluntarily stepped down back to an officer, and  
7 that's what my position is now.

8 Q You told us the steps from detention facility officer to  
9 sergeant was a promotion, correct?

10 A Correct.

11 Q You went from being a sergeant back to a detention  
12 facility officer, why?

13 A I had more flexibility in my schedule for my family life.  
14 That was the main reason.

15 Q I want to start with your time -- let's start with your  
16 time as a sergeant. Could you tell us about your job duties  
17 as a sergeant when it came to directing the detainee workers?

18 A Overall, my job is safety and security of the facility,  
19 made sure detainees, officers, everybody in the facility is  
20 safe and secure.

21 Q As relates to the detainee worker program, though, could  
22 you tell us what you did as a sergeant?

23 A As a sergeant, kind of the same thing as an officer. We  
24 make sure that the workers in the program had the tools they  
25 needed, whatever supplies they needed, and if they needed

1 help or had questions about anything, they were free to ask.

2 Q You would tell them at the outset, you would make sure  
3 they understood what their job was, correct?

4 A Whatever their duty was for that day, they would start.

5 Q My question is a little bit different. Would you tell  
6 them what their job was, explain it to them before they began  
7 working? Do I have that right?

8 A Can you say that one more time?

9 Q I want to make sure I understand the steps. One of my  
10 questions is when you get a detainee worker, say, for the  
11 first time, you would walk them through what their job  
12 entailed, correct?

13 A When they volunteered, there is a job description that  
14 explains what they would be doing. A lot of the stuff  
15 doesn't need like an in-depth detail. Sometimes it is just  
16 wiping down a table at the end of the night. A lot of the  
17 stuff doesn't need an in-depth walk through of how to do it.

18 Q You would get a list of the people who wanted to work,  
19 correct?

20 A That would go through the classification officer.

21 Q And then you would get the list, correct?

22 A I would get a list of people that were assigned in the  
23 voluntary work program.

24 Q You would get them the equipment they needed to do the  
25 job, correct?



1 A Correct.

2 Q You would make sure they understood the job they got,  
3 correct?

4 A Correct.

5 Q You talked to them about safety and doing the job in a  
6 safe way, correct?

7 A Yes.

8 Q You would also assign an officer to actually oversee the  
9 work that was being done?

10 A Depending on what was being done. If -- there is always  
11 officers or supervisors, someone walking in the area, so  
12 there wouldn't necessarily be someone standing over them  
13 watching the exact job they are doing, but there would also  
14 be someone around in case an emergency were to happen.

15 Q The first part of their function was to oversee the actual  
16 work being done, correct?

17 A Just monitoring detainees, whether they are in the program  
18 or not, that's the main job as an officer or sergeant, just  
19 monitoring the safety and security of the building, the  
20 detainees, the officers.

21 Q So we talked about your time as a sergeant. I want to  
22 focus now on your time as a detention facility officer. Your  
23 direction, supervision, as a detention facility officer is  
24 much more hands-on; is that correct?

25 A I think it is kind of the same. You are still monitoring

1 whether they are working or not working, cleaning, not  
2 cleaning, you are still monitoring. Just because someone is  
3 cleaning, you can't pay more attention to them than anybody  
4 else in the building.

5 Q The detention facility officers, they are responsible for  
6 the direct control of the detainee workers, do I have that  
7 right?

8 A They are responsible for the direct control of the  
9 population.

10 Q Focusing on the detainee workers in particular, my  
11 question is: In the detention facility, they are responsible  
12 for the direct control of the detainee workers. Do I have  
13 that part right?

14 A Yes. Just the detainees. I don't necessarily think the  
15 workers have anything to do with it. If they are working,  
16 then, yes, they also have direct control over --

17 Q The people in the worker program, they are not being held  
18 there as criminal punishment, correct?

19 A No, administrative detention.

20 Q The detention center, it is not any sort of criminal jail  
21 or anything along those lines, correct?

22 A No.

23 Q So I want to talk about your direct supervision of  
24 detainee workers. You supervise workers across a number of  
25 jobs in the facility. Do I have that right?

1 A Yes.

2 Q The living area is one place in which you supervise and  
3 direct detainee workers?

4 A Yes, monitoring detainees while they are cleaning, while  
5 they are sleeping, while they are eating.

6 Q You understand my question, though. Again, I want to  
7 focus on your job as relates to the detainee worker program.  
8 Do you understand that?

9 A I understand that.

10 Q Will you limit your responses to just my questions about  
11 the detainee worker program?

12 A Do the best I can.

13 Q I want to talk about what you did to supervise the  
14 detainee workers in the living area. Can you tell us about  
15 your direction and supervision in the work program in the  
16 living areas?

17 A Really, you know, there is various jobs throughout the  
18 voluntary work program inside of the units. You just monitor  
19 that they have the equipment when they need something. You  
20 take them to the janitor closet and let -- allow them to get  
21 what they need to get, secure the closet, and they would go  
22 on, whether cleaning the showers or cleaning the tables, you  
23 are still monitoring, you know, you are monitoring the whole  
24 unit and you still have your unit duties to do while they are  
25 doing their job as well.

1 Q Those detainee workers, you tell them where to clean,  
2 correct?

3 A When -- I recommend them, you know, something at the table  
4 needs to be done. Or if they missed a table, I would say,  
5 hey, can you please go hit that table again. Something like  
6 that. For the most part, they know what they are doing.

7 Q So you gave us one example of telling detainee workers  
8 where to clean. Can you give me another example of a time  
9 you told detainee workers where to clean?

10 A Might be something as simple as, you know, just making  
11 sure they know to clean the showers or if maybe there is a  
12 lot of soap residue around the shower button, ask them to see  
13 if they can clean around that button a little bit more than  
14 normal. Something like that.

15 Q Can you give me another example of a time where you told a  
16 detainee worker where to clean?

17 A Maybe the stairs were especially dusty, ask them if they  
18 can, you know, maybe wipe down the handles on the stair rail.  
19 Something like that.

20 Q Any other examples come to mind?

21 A On the rare occasion, maybe a vent was dusty, sometime  
22 during the day, could they look at the vent.

23 Q The cleaning jobs, GEO provides all the materials the  
24 detainee workers need to do the job. Do I have that right?

25 A Correct, because they can't bring in their own tools and

1 own equipment.

2 Q Again, I am limiting things to the living area. Is it the  
3 case that GEO trains the detainee workers on proper cleaning  
4 techniques?

5 A Yes, they would explain what needs to be done.

6 Q You would make sure the detainee workers put out, say,  
7 proper signage if someone was mopping to make sure there were  
8 no slip and falls, correct?

9 A Yes.

10 Q Now, the detainee workers, there is no discretion on their  
11 part about waking up, just spontaneously deciding to clean.  
12 They don't have the ability to do that?

13 A Yeah, they can't travel to different units, especially now  
14 during COVID. Even prior to that, you know, if you are  
15 working -- if they were cleaning in alpha 1, they wouldn't be  
16 able to go to another unit and clean that area just because  
17 they are not -- they are not allowed to travel in between  
18 units into the facility.

19 Q The time estimates for detainee workers cleaning in the  
20 living area, it can range; is that right?

21 A Correct.

22 Q So 15 to 20 minutes on the lower end, would you agree?

23 A Yes.

24 Q As much as two hours on the higher end, correct?

25 A I would just say, depends on the person. Some people

1 would -- the job could be completed in -- you know, whatever  
2 task they were doing could be completed in 20, 25 minutes.  
3 There is certain individuals that, you know, they just happen  
4 to go slow or maybe as they are cleaning they are talking to  
5 people or watching TV at the same time, so that task takes  
6 longer.

7 Q There are different roles within the different living  
8 areas, correct?

9 A What do you mean by that?

10 Q In terms of the detainee worker program, there are  
11 different jobs that can be done within the living pods,  
12 correct?

13 A Yes.

14 Q Someone may be charged with wiping down the tables,  
15 correct?

16 A Correct.

17 Q Perhaps that is an example of a job that may take 15 to 20  
18 minutes, would you agree?

19 A Yes.

20 Q Some jobs, say cleaning the shower stall, for example, may  
21 take longer?

22 A Given an estimate of how long it takes to clean the  
23 showers, I will guess right now 25, maybe 30 minutes.

24 Q I want to make sure I understand you. On the high end,  
25 your estimate is that jobs within the living units could take

1 as much as two hours, correct?

2 A For a regular -- you know, a regular person, I think the  
3 longest time period it would take somebody would be 30  
4 minutes to do one of the tasks. If it was, you know -- for  
5 example, if I am at home mowing the yard and I stop to talk  
6 on my phone, you know, maybe the mowing my yard only takes 45  
7 minutes, but if I stop to go check on my son or get on the  
8 computer, that task then takes much longer to finish.

9 Q So you also supervise workers in the laundry room, do I  
10 have that right?

11 A Yes.

12 Q Now, GEO provides the detainee laundry workers training on  
13 how to use the washers and dryers, correct?

14 A If somebody was new in the program and their first day was  
15 inside laundry, it would be the laundry officer's duty to  
16 explain in simple terms for their safety, you know, while the  
17 washing machine is going, if for some reason the door opens,  
18 we don't stick our hands in the washer while it is moving  
19 because it is a safety issue. Everything is based around the  
20 safety of the detainees, myself, to make sure everything gets  
21 done in a safe manner. That is the ultimate goal at the end  
22 of the day whether you are a detainee or officer or anybody  
23 in that building. Everybody wants to be done with the day  
24 safely, go -- leave the same way they came in.

25 Q These washers and dryers, these aren't like the washers

1 and dryers we have at our home, right? These are big,  
2 industrial machines?

3 A Yeah, they are bigger than what I would have at home.

4 Q You worked in the laundry for how long?

5 A Just guessing, a year, and then even now I am in there  
6 every once in awhile on an overtime shift.

7 Q How much overtime do you put in, in a week?

8 A It varies based on availability. I volunteer to do  
9 overtime every day. I may get -- right now it seems like I  
10 may get two or three shifts a week.

11 Q When you put in for overtime, what sorts of things are you  
12 doing? Is it just a continuation of your duties as detention  
13 officer or something else?

14 A Correct, might be placed in a unit, intake, it is where  
15 there is a hole for that day. For example, I got my food  
16 handler working card so I could work in the kitchen on  
17 overtime.

18 Q I take it when you are working overtime, there is a need  
19 within the facility for the work you have done?

20 A Correct, someone called out, somebody is on vacation,  
21 something like that.

22 Q I want to go back to laundry. Talking about laundry, GEO  
23 is providing all the tools and equipment the detainee workers  
24 need to do the job, correct?

25 A Yeah, they have to because they can't -- they are not



1 allowed to bring in their tools, they don't have a work truck  
2 outside to bring in the items that would be required.

3 Q Laundry workers, they could be terminated by GEO, correct?

4 A Well, I wouldn't say terminated. If you broke a rule  
5 inside the building, you know, violation code says stealing,  
6 they would get written up for stealing just as if somebody  
7 not inside the program stole something out of the unit, they  
8 would also get written up as disciplinary. That would be my  
9 job to write them up.

10 Q Theft, that's one example. Detainee workers in the  
11 laundry can be fired for excessive absenteeism?

12 A If they don't show up, they are basically just removing  
13 themselves from the program.

14 Q GEO can fire detainee workers for excessive absenteeism,  
15 correct?

16 A They can't fire them.

17 Q What about misconduct, GEO can terminate volunteer workers  
18 for misconduct, correct?

19 A You said "terminate"?

20 Q Yes.

21 A I mean, they are not terminated from the work program.  
22 They can remove themselves from the work program any time  
23 they want. They don't have to work if they don't want to.  
24 It is voluntary. If they are not showing up for work, they  
25 are not showing up for their laundry shift, you know, they

1 would sign a piece of paper saying they didn't -- they don't  
2 want to go that day, and two days later they can put another  
3 request in to do a different job if they want to.

4 Q Again, I want you to focus on my question in terms of  
5 GEO's ability and what it can do. My question to you is  
6 this: GEO can terminate detainee workers for unsatisfactory  
7 work performance, correct?

8 A They are not firing them. If they were supposed to do  
9 something and they didn't want to do it, they would -- you  
10 know, they would take themselves out of the program. If they  
11 didn't do something as directed, they would get a  
12 disciplinary infraction which would happen to somebody  
13 outside the program as well. Then whatever goes on, my part  
14 would just be writing it up. Where it goes from there, I  
15 have no control over. It is a matter of GEO and ICE would  
16 make that decision.

17 Q I want to make sure I understand your testimony. Are you  
18 claiming GEO is unable to fire detainee workers for  
19 unsatisfactory work performance?

20 A I am able to put in a disciplinary write up, and where it  
21 goes from there is out of my control.

22 Q Well, sir, we met before, correct?

23 A Correct.

24 Q It was for your deposition. Do you remember that?

25 A Two years ago maybe.

1 Q And we talked for maybe half a day; does that sound about  
2 right?

3 A Yes.

4 Q You took an oath to tell the truth?

5 A Correct.

6 Q And you did tell the truth?

7 A Correct.

8 Q And you took an oath today to tell the truth?

9 A Correct.

10 Q You knew when I was asking you questions previously of  
11 your deposition, there was a written transcript being  
12 created. Do you recall that?

13 A Correct.

14 Q You may also remember the session was being videotaped.  
15 Do you remember that?

16 A Correct.

17 Q Well, today you say that GEO is unable to terminate  
18 detainee workers for unsatisfactory work performance. But  
19 back then you testified that GEO could terminate detainee  
20 workers; isn't that true?

21 MS. SCHEFFEY: Objection, improper impeachment. We  
22 don't have the page and line number to follow along.

23 MR. WHITEHEAD: I did not hear you.

24 THE COURT: Sustained.

25 MR. WHITEHEAD: I am confronting the witness right

1 now with the statement.

2 BY MR. WHITEHEAD:

3 Q Mr. Tracy, I would like to play a portion of your  
4 deposition back to you. My question will be: Is this you in  
5 the video?

6 MR. WHITEHEAD: Counsel, I am looking at page 76,  
7 this is lines 7 through 17. Ms. Mendoza, can we get Clip 11,  
8 please.

9 (Video Clip 11 as follows:)

10 BY MR. WHITEHEAD:

11 Q Do you agree failure to follow safety procedures could  
12 lead to termination of laundry workers?

13 A Yes.

14 Q Excessive absenteeism?

15 A Yes.

16 Q Misconduct and horseplay?

17 A Yes.

18 Q Theft?

19 A Yes.

20 Q And unsatisfactory work performance?

21 A Yes.

22 (Clip ended.)

23 BY MR. WHITEHEAD:

24 Q That was you in the video, correct?

25 A Yes.

1 Q On the subject of termination, it is generally the case  
2 that GEO can fire detainee workers. Do I have that right?

3 A Can you repeat that one more time?

4 Q Sure. I was saying generally the case is that GEO can  
5 fire detainee workers?

6 A Well, it is just a part of disciplinary process.

7 Q On the flip side of this coin, GEO has the power to hire  
8 detainee workers that wish to work; is that right?

9 A Yeah, so the detainees would put in a request to join the  
10 voluntary work program and basically the request goes to  
11 classification, and when there is availability open, they  
12 would fill that slot, if that makes sense.

13 Q It does. You agree with me that GEO has some discretion  
14 in who to hire within the voluntary work program, correct?

15 A Yes, based on classification, issues like that.

16 Q It is the classification unit that creates the work  
17 rosters?

18 A Correct, I believe so.

19 Q These work rosters, they are essentially schedules; is  
20 that right?

21 A Just a list of -- basically a list of detainees and what  
22 they have volunteered to do. It is not a schedule as per se  
23 to say at nine a.m. the showers have to be cleaned.

24 Q In putting together these work rosters, you have never  
25 seen classifications permit too many workers to work on any

1 given shift, correct?

2 A What do you mean by that?

3 Q Well, it is the case in your experience and in your  
4 opinion, you have never seen classifications put too many  
5 people to work assigned to a given shift, correct?

6 A There is a set amount of available spots, if that answers  
7 your question.

8 Q It is also the case that you have never felt overstaffed  
9 with detainee workers, correct?

10 A No, just because -- there is always -- if the roster is  
11 full, there is also a wait list for people. If somebody  
12 leaves or, you know, books out to the street or gets  
13 deported, you know, there is a spot, and the people on the  
14 wait list would then fill that empty spot.

15 Q My question is a little bit different. My question has to  
16 do with whether or not you felt like you were overstaffed,  
17 too many detainee workers on any assignment that you have  
18 ever worked as detention officer. As I understand it, you  
19 have never felt overstaffed, correct?

20 A I don't think so.

21 Q When you say you don't think so, you are agreeing with me?

22 A I don't understand the question, I guess. It is confusing  
23 to me.

24 Q Have you ever felt like there were too many detainee  
25 workers on a shift that you have worked?

1 A No, because there is only a set amount available. There  
2 is only a set amount of spots so there is -- like I said, if  
3 the spot isn't -- if the spot is full, there can't be  
4 multiple people doing that one spot. There is a wait list.

5 Q In terms of the detainee workers, is it the case in your  
6 experience that not too many, not too few, it has been just  
7 right in terms of the staffing levels. Do I have that right?

8 A Yes.

9 Q Now, ICE plays no role in assigning detainee workers,  
10 correct?

11 A It is based off the ICE standards.

12 Q Again, my question is a little bit different. ICE plays  
13 no role in assigning detainee workers; is that right?

14 A There is not an ICE officer sitting next to classification  
15 deeming who does what, if that's what you are asking.

16 Q ICE plays no role in terminating employees?

17 A They would play a role in the disciplinary system which  
18 may result in the loss of job through the disciplinary  
19 system.

20 Q In the direction and supervision of detainee workers that  
21 you were telling us about earlier, there is no direct  
22 supervision from ICE, correct?

23 A Not specifically. I mean, if ICE -- you know, if ICE is  
24 in the area, they would see them, but there is no ICE officer  
25 on post watching or monitoring detainee safety, anything like

1 that.

2 Q Mr. Tracy, if I understand your testimony, GEO provides  
3 detainee workers the training they need to do their jobs,  
4 correct?

5 A Correct.

6 Q And GEO provides them with the equipment they need to do  
7 their jobs, correct?

8 A They have to because, like I said earlier, they can't --  
9 they don't have their own tools or own equipment available to  
10 them.

11 Q GEO doesn't allow the detainee workers to deviate from  
12 their job duties, correct?

13 A I mean, if you are -- if you are assigned a certain task,  
14 you couldn't -- in a unit, for example, if you were assigned  
15 to clean the showers, that would be your task. A lot of  
16 times the people tasked with cleaning showers, it's kind of a  
17 group effort. They would help each other.

18 Q GEO supervises the detainee workers to make sure that they  
19 are complying with GEO's rules and regulations, correct?

20 A Correct.

21 Q At the end of the day, you agree with the statement that  
22 the detainee workers make an important contribution to  
23 maintaining the Northwest Detention Center, correct?

24 A Yes.

25 MR. WHITEHEAD: Thank you, sir. Your attorney may



1 have some questions for you.

2 THE WITNESS: Okay. Thank you.

3 CROSS-EXAMINATION

4 BY MS. SCHEFFEY:

5 Q Good afternoon, Mr. Tracy. Can you hear me?

6 A I can hear you.

7 Q I want to back up a little bit. We were talking about  
8 discipline. I am hoping you can explain to me and the jury  
9 about how discipline works in the voluntary work program and  
10 at the facility generally. If you have to write a detainee  
11 up for some sort of disciplinary infraction, what do you do?

12 A I will pick an easy one, stealing. You would just  
13 basically write the disciplinary write-up, incident report  
14 with the details of the incident. You caught them stealing,  
15 or say they are in the kitchen and you find a bag of onions,  
16 there is no way to get a bag of onions into the dorm without  
17 stealing them. You would write that in a report, and then I  
18 turn the report into the supervisor and the supervisor takes  
19 it from there.

20 Q How do you know if something is a disciplinary incident?  
21 Is there a document you can look at, a --

22 A It is in the handbook. It is all derived from the  
23 Performance-Based National Standards and ICE standards.

24 Q Once you do the write-up, what happens with it?

25 A Based on the severity of the write-up, they would have a

1 hearing with who ever is at work. Normally, I believe it is  
2 Rich, Lieutenant Rich.

3 Q As the detention officer in the pod, do you participate in  
4 that hearing?

5 A No. If I wrote it up, that's where it stops for me.

6 Q Ultimately, who makes the decision about whether that will  
7 be a disciplinary incident or be dismissed?

8 A It goes to the supervisor. The supervisor goes -- you  
9 know, collecting their evidence and he normally would go talk  
10 to the detainee and ask them, you know, what happened in the  
11 situation, and then they would forward that packet --  
12 incident packet to the segregation lieutenant, which is  
13 Lieutenant Rich, and then they would have a hearing on it.  
14 Based on the severity, if it is a lesser charge, it would  
15 just be with the GEO. If it was a higher up charge, it  
16 involves ICE and GEO.

17 Q Okay. So can that all be completed in 15 or 20 minutes?

18 A No. Maybe my part in doing the actual write up. You  
19 know, it goes from me and then the lieutenant. When they  
20 have time, they have a set time, maybe I believe it is 24  
21 hours from the time the report is turned in to do their  
22 investigation and forward it to the segregation lieutenant,  
23 Lieutenant Rich.

24 Q I think you said that discipline then is different than  
25 what you think of firing at a job. Can you --

1 MR. WHITEHEAD: Objection, leading.

2 THE COURT: Sustained. Rephrase.

3 BY MS. SCHEFFEY:

4 Q Do you think the word "termination" is different than the  
5 word "fired"?

6 A Yes. Terminate -- like "fired" to me means like I could  
7 be fired for not doing my job. I could be terminated, but it  
8 is different. It is hard to explain.

9 MR. FERRARO: Oh, come on, it's not that hard to  
10 explain.

11 BY MS. SCHEFFEY:

12 Q Why is discipline at the facility different to you than  
13 termination in a job?

14 A Discipline to me is -- well, anybody in the -- anybody in  
15 the detention center can be disciplined, whether they are in  
16 the voluntary work program or not.

17 Q So I think you testified earlier that you were a pod  
18 officer; is that right?

19 A Correct.

20 Q Can you give me a list of the positions available to  
21 volunteers in the pod?

22 A You know, there is shower cleaner, food porter, juice  
23 porter, day room cleaner, laundry, unit laundry.

24 Q All right. Let's break those down. What does the juice  
25 porter do?

1 A Juice porter assists the food porter and officer at  
2 mealtime. Example, the juice porter would hand out, you  
3 know, juice packets, or like at breakfast time a butter  
4 packet and coffee packet.

5 Q Do they do anything else other than hand out juice and  
6 butter packets?

7 A They may help clean up after the meal. For the most part,  
8 that's what they do.

9 Q How long does that position take?

10 A Roughly ten minutes, just -- it is just while serving  
11 trays. Roughly takes five to ten minutes.

12 Q What does the unit laundry position do?

13 A Unit laundry basically just gathers the laundry that gets  
14 sent to the actual laundry in the facility. So throughout  
15 the day -- I think they do laundry twice a week. I am not  
16 positive on that, but they -- basically, all the detainees in  
17 the unit, they place their laundry into basically a  
18 plastic -- a big garbage bag, and the night before their  
19 laundry goes out, the laundry officer, all they really do is  
20 take the laundry bag from the bin and set it right outside  
21 the unit door.

22 Q What about a unit cleaner, what do they do?

23 A They have a range of things they could do. For the most  
24 part, on a daily basis, they sweep. If the floor needs to be  
25 mopped, they wipe off the tables, and at the end of the night

1 they just collect the trash and set it right outside the unit  
2 door.

3 Q How long does that task usually take?

4 A At the end of the night, usually takes about 15, 20, 25  
5 minutes.

6 Q Shower cleaner, what do you do if you clean the showers?

7 A Once the showers are closed at the end of the night --  
8 sorry. Sorry. He was facing the mic. I apologize.

9 At the end of the night, basically they just take the --  
10 get the tools from the closet, which is usually just a scrub  
11 brush and a made up bucket of chemicals mixed with water and  
12 scrub the showers down and rinse them off with water.

13 Q How long does that usually take?

14 A I would say at the most 30 minutes. At the most. Usually  
15 I would say on average, 20 minutes.

16 Q Are there multiple people who can sign up to be shower  
17 cleaners each day?

18 A I believe there is two or three different spots, like a  
19 morning and an afternoon. Something like that.

20 Q How many times a day are the showers cleaned?

21 A I think they are cleaned three times a day. Two to three  
22 times a day, I would say.

23 Q What about the unit cleaner, are there multiple people who  
24 volunteer to be unit cleaners?

25 A Yeah. Like I said, I believe there is different times

1 throughout the day, like a morning cleaner, afternoon  
2 cleaner, nighttime cleaner.

3 Q Do you ever work graveyard?

4 A Yeah, that's the shift I am assigned to right now.

5 Q What are the hours of the graveyard shift?

6 A 2300, which is 11 p.m. to 07, seven a.m.

7 Q Are detainees typically asleep during that time?

8 A Lights out at 11:30. Like normal people, when lights go  
9 out they don't go right to sleep. Takes a little bit. I  
10 would say by 12:30. At count time everybody is, for the most  
11 part, if they are not asleep they are in their bed area  
12 getting ready to go to sleep.

13 Q What do you do to pass the time?

14 A Well, right now, especially like during COVID we have a  
15 list of cleaning stuff we do ourselves which passes the time.  
16 Me, personally, like, for example, right now I am in medical  
17 isolation is my post, so I am in a medical unit. To pass the  
18 time, I think two or three months ago, me and my partner we  
19 stripped and waxed the floors. That took, you know,  
20 stripping took half a shift for us to do because we have  
21 other duties at the same time, and then the next day we put a  
22 couple coats of wax down. You know, basically we just clean.  
23 Clean the mile, take the trash out, stuff that just helps our  
24 night go by quicker.

25 Q What is the classification level of the detainees in your

1 pod?

2 A There is four different classification levels, low, medium  
3 low, medium high and high.

4 Q So for the medium high and high pods, are they allowed to  
5 participate in volunteer positions outside of the pod?

6 A So, medium high are allowed to work outside to volunteer  
7 to do tasks outside of the unit. High classification levels  
8 aren't allowed to do tasks outside of the unit.

9 Q So if there is a high classification pod, is the entirety  
10 of their possible volunteer positions in the pod?

11 A I'm sorry. They turned down the volume, and it is hard to  
12 hear.

13 Q In a high classification pod, they can volunteer only in  
14 the unit; is that right?

15 A Yes, if everybody was in a unit that only housed level 3s,  
16 high classification, that is all they would be able to do is  
17 volunteer to do tasks inside the unit.

18 Q Are there any tasks inside the unit we haven't already  
19 gone over earlier?

20 A The food porter.

21 Q What does the food porter do?

22 A Prior to COVID, they would -- they walk from the unit to  
23 the kitchen, pick up the trays and walk back to the unit,  
24 which is really at the most maybe a minute, minute and a half  
25 walk. It is not a huge facility. They just assist the

1 officers. If I am running a unit, you know, I work with the  
2 people inside -- that live inside the unit, so it would be me  
3 collecting IDs, and the juice porter would be handing out  
4 butter packets, juice packets, coffee packets, whatever they  
5 need to hand out. The food porter would actually hand them  
6 their trays.

7 Q Could you hand out trays if there was no volunteer?

8 A Yeah. I mean if, say, the food porter is in the law  
9 library at that time, you know, we would just collect IDs or  
10 instead of actually handing them to us, I have the detainee  
11 put the ID on the meal cart, and I would hand out trays.

12 Q What would happen if there was no voluntary work program?

13 A No voluntary work program, the work would still get done.  
14 It would just get done by officers.

15 Q How do you feel about working with detainees?

16 MR. WHITEHEAD: Objection, relevance, also outside  
17 the scope.

18 THE COURT: I think he may answer.

19 MS. SCHEFFEY: Do you want the question again,  
20 Mr. Tracy?

21 THE WITNESS: Sorry, I couldn't hear.

22 BY MS. SCHEFFEY:

23 Q How do you feel about working with detainees?

24 A I personally like it. You know, they are people just like  
25 you and me. They are just in, you know, a tougher situation



1 at that time in their life. The relationship, it is all  
2 built out of respect. You show them respect, they show you  
3 respect, and then you find a way to work together. I think  
4 personally, when I am working, they tend to help whether they  
5 are in the voluntary work program or not. When they see  
6 somebody working, they want to help. If I am mopping the  
7 floor because nobody did it or just because it needs to get  
8 done, you know, people are -- I would say they feel bad  
9 watching me mop the floor, so they are going to help. It is  
10 all based out of mutual respect.

11 MS. SCHEFFEY: Thank you. No further questions.

12 THE COURT: Are there questions of Mr. Tracy? Go  
13 ahead, Mr. Whitehead.

14 REDIRECT EXAMINATION

15 BY MR. WHITEHEAD:

16 Q Mr. Tracy, you testified about passing time on the  
17 graveyard shift. Do you remember testimony along those  
18 lines?

19 A What I just said two minutes ago?

20 Q Yes.

21 A Yeah.

22 Q I need to ask a leading question to orient you. Sir, you  
23 weren't just passing time, you were working, correct?

24 A Well, yeah, it is a part of my duties. My duties may not  
25 necessarily -- you know, I don't have to strip and wax the

1 floor.

2 Q That stripping and waxing the floor, you said it took you  
3 half a shift. Do I have that right?

4 A Throughout doing my other duties. That's not all I have  
5 to do.

6 Q Sure. So how much time are we talking about then? Half a  
7 shift, how much time is that?

8 A If I have to put it down, I would say throughout my other  
9 duties, maybe it took an hour to do. That is starting and  
10 stopping, going to do other stuff, going to count, coming  
11 back, working on it a little bit more. Throughout the day,  
12 you are working.

13 Q That stripping and waxing, that work is also performed by  
14 detainee workers, correct?

15 A Correct.

16 Q You are paid how much an hour, sir?

17 A Right now I get -- I think I get paid 29.94, I think that  
18 is what it is.

19 Q The detainee workers are paid how much for doing the same  
20 job?

21 A The detainees in the voluntary work program get one dollar  
22 a day.

23 Q Do you remember testimony about the disciplinary process  
24 involving ICE and questions about whether GEO could terminate  
25 detainee workers?

1 A Are you asking me from today or two years --

2 Q Today. Again, I am trying to orient you here. Sorry. I  
3 am perhaps doing a bad job. I asked you a question about  
4 whether GEO could terminate detainee workers. Opposing  
5 counsel came on and asked you questions about ICE's  
6 involvement. You were talking about disciplinary hearings.  
7 Do you recall that?

8 A Correct.

9 Q I want to ask about the way that process begins. The  
10 process begins with a recommendation or determination by GEO  
11 about what should happen to a given detainee worker, correct?

12 A Right, it would be the officer writing up the incident  
13 report.

14 Q So GEO initiates that process, correct?

15 A Correct.

16 Q There is an opportunity then at some point for ICE to  
17 weigh in as almost an appeal that the detainee worker could  
18 have; is that correct?

19 A I don't know what you mean by they -- ICE would appeal it?

20 Q Well, ICE is there reviewing GEO's termination?

21 A Right, they will -- like I sat in on -- long time ago when  
22 I was a segregation officer, I would sit in on the hearings  
23 with the detainee. After they give their side, they talk to  
24 them about the incident. We would go back outside and the  
25 ICE officer and the segregation lieutenant would talk amongst

1 each other and we would go back in and they would tell them,  
2 you know, whatever they are getting charged with, whether it  
3 is disciplinary, segregation time or --

4 Q Can you think of a time ever in which ICE disagreed with  
5 GEO's determination?

6 A Not that I can remember.

7 MR. WHITEHEAD: Thank you, sir. No additional  
8 questions.

9 THE COURT: Okay. May this witness be excused?

10 MR. WHITEHEAD: Yes, Your Honor.

11 THE COURT: All right, Mr. Tracy, you may be excused.  
12 Thank you very much.

13 THE WITNESS: Thank you, sir.

14 THE COURT: Okay. You may call your next witness.

15 THE WITNESS: Do I just get up and go?

16 THE COURT: Yes. Thank you, Mr. Tracy.

17 MS. MELL: Counsel needs a moment with Your Honor to  
18 address a technology issue and a mic issue, outside the  
19 presence. Thank you.

20 THE COURT: Tyler, will you send the jury into the  
21 break room?

22 THE CLERK: Yes, Your Honor. They are on their way  
23 to the jury room at this moment. It looks like they are all  
24 out.

25 (The following occurred outside the presence of the jury.)

1 THE COURT: Okay. I got a message during the last  
2 session from a Mr. Tracy Segal who works for Akerman, he's a  
3 lawyer for Ackerman. He said that during Mr. Tracy's  
4 testimony somebody said, that might have been a spectator,  
5 "Oh, my God, it's not that hard," and his note indicated we  
6 saw Tom Ferraro's box, and I believe the comment was from  
7 him. Mr. Segal said, "I don't know who that is."

8 Obviously spectators should be muted and not -- well, here  
9 is Mr. Ferraro. I don't know who are you, Mr. Ferraro.

10 THE CLERK: I muted him when I saw he was the one  
11 that spoke. Do you want to unmute him? Do you want to talk  
12 to him now?

13 THE COURT: Yes. You are muted, Mr. Ferraro.

14 MR. FERRARO: I apologize profusely. I thought I was  
15 muted. I was working on some other stuff, and I was mumbling  
16 to myself. I apologize.

17 THE COURT: Okay. Are you just a spectator in this  
18 proceeding or did you have some part in it?

19 MR. FERRARO: Well, primarily a spectator. I am a  
20 reporter. I was looking into doing a story on immigrant  
21 detainees. And I apologize. I thought I was muted. This is  
22 embarrassing, and I'm sorry.

23 THE COURT: Okay. It is all right. Any questions of  
24 Mr. Ferraro?

25 Okay, let me ask you to mute your mic and stay that way,

1 Mr. Ferraro. Okay?

2 All right. That's what I know about that. I will advise  
3 the jury to disregard any comments like that that creep in.

4 Ms. Mell, you had something?

5 MS. MELL: Your Honor, I did want to address the  
6 Ferraro issue. I am getting from our end, our technology  
7 folks are indicating we may be getting an echo because of  
8 your phone being on and feeding the sound to you while the  
9 audio is also live. We are getting a pretty bad echo. We  
10 are trying to address it from our end. We think we might  
11 need some support from your end. Is there anything you need  
12 to say to him?

13 Tom is not muted, still.

14 THE COURT: Who is not muted?

15 MS. MELL: Tom Ferraro is still not muted.

16 MR. FERRARO: I am muted now, right?

17 MS. MELL: No.

18 THE COURT: I don't understand the technology that  
19 goes into the spectators. They should be not able to break  
20 into the trial. Is that something you can control, Tyler?

21 THE CLERK: Unfortunately, with the Zoom platform,  
22 you allow everyone to be able to speak if they unmute  
23 themselves or not. I can't, for example, choose to allow  
24 just the attorneys to be able to speak without letting any  
25 spectator. There is no user-by-user option.

1 MS. MELL: That's crazy.

2 THE COURT: Yeah.

3 MR. WHITEHEAD: Is this where I say that I'm not a  
4 cat?

5 MS. MELL: We still have an echo issue we are trying  
6 to address. If we could have a moment with my technology  
7 people and Tyler.

8 THE CLERK: It is not through Judge Bryan's phone.  
9 His phone only plays into his hearing aids themselves. The  
10 microphone is on the phone on the table. Unless his phone  
11 microphone can pick up his hearing aids audibly, then it  
12 wouldn't be an echo from him.

13 MS. MELL: All right. So what else do we need to do  
14 to work that out? Is it because he has the audio on live?

15 MS. SCHEFFEY: Is it possible that it is picking up a  
16 computer and mic in that room or no?

17 MS. MELL: We will do another run through. It might  
18 have been Mr. Ferraro's if he was live.

19 MS. SCHEFFEY: If he was not muted, that may be where  
20 it was.

21 MS. MELL: That may have been the problem.

22 THE CLERK: I muted Mr. Ferraro when he spoke up the  
23 first time. There was several minutes that was not the  
24 issue.

25 MS. MELL: I am not getting the echo right now so I

1 think that's what the issue was.

2 THE COURT: Are we ready to go back to work? Who is  
3 the next witness?

4 MS. CHIEN: State would like to call Maria Nayra  
5 Gomez Sotelo.

6 THE CLERK: Your Honor, should I bring the jury back  
7 in?

8 THE COURT: I was finding the witness on my list.

9 MS. CHIEN: She is also listed as Karla Gomez.

10 THE COURT: Okay. Bring the jury in.

11 THE CLERK: The witness is also being admitted.

12 (The following occurred in the presence of the jury.)

13 THE COURT: I think all the jurors are present.

14 Ladies and gentlemen, we had a little glitch here where  
15 apparently a spectator made a comment that was live and  
16 should not have been. If you hear any -- if you heard any  
17 such comment from an outside source that is not part of the  
18 trial, you should disregard it and get all your information  
19 from the people that are actually involved in the trial.

20 There are a number of spectators who have the ability to  
21 sign in and listen. They are not to make any comments or  
22 have their mics open at all. But apparently that mistake was  
23 made and a comment about the evidence perhaps was made, and  
24 you should disregard anything like that that did not come  
25 from a lawyer or a witness or the judge.



1           Okay. You may call your next witness. She's here.  
2           Ms. Gomez, if you will raise your right hand and be sworn.  
3                   (Interpreter present. All answers through the  
4                   interpreter unless otherwise noted.)  
5                               MARIA NAYRA GOMEZ SOTELO,  
6           having been sworn under oath, testified as follows:  
7                   THE COURT: Thank you. And you may inquire, counsel.  
8                               DIRECT EXAMINATION  
9           BY MS. CHIEN:  
10          Q    Can you please state your name for the record?  
11          A    Maria Nayra Gomez Sotelo.  
12          Q    Have you ever gone by a different name?  
13          A    Karla Gomez Soto.  
14          Q    Did you go by any other name?  
15          A    No.  
16          Q    Why did you go by a different name?  
17          A    When I was trying to cross the border, the person guiding  
18          us, our guide, said I could use a different name for the  
19          records in case ICE would detain us.  
20          Q    Are you known as Karla Gomez Soto for ICE's purposes?  
21          A    Correct.  
22          Q    Did you use that name when you came to the United States  
23          or did you go by Maria Nayra Gomez Sotelo?  
24          A    I used Maria Nayra Gomez Sotelo as my birth-given name.  
25          Q    You mentioned you crossed the border. How long have you

1     been in the United States?

2     A     Approximately 21 years.

3     Q     How old were you when you crossed the border?

4     A     19. I actually was 25 years old when I got married.

5     Q     Why did you cross the border?

6     A     Because I met a man who was a U.S. citizen, and I wanted  
7     to be with him. We were married already. The thing is I was  
8     waiting for the process in Mexico before I could come here,  
9     but I just loved him so much that I didn't want to wait.

10    Q     So do you have kids?

11    A     I have two beautiful boys. They are also very good  
12    students. My younger one, Carlos Gomez Sotelo, he wrestles  
13    for the district. The younger one, Jose Maria Gomez Sotelo,  
14    he wants to join the military, and I am really proud of both  
15    of them.

16    Q     Are they both U.S. Citizens?

17    A     Correct.

18    Q     Since you have been in the United States, have you been  
19    living in Washington?

20    A     Correct.

21    Q     You have lived in Washington for over 20 years?

22    A     Yes, that is right.

23    Q     Have you heard of the Northwest Detention Center?

24    A     Unfortunately, I was detained there in 2017. I'm sorry,  
25    it was 2018. I get upset every time I remember those times.

1 Q If I told you it was April 2018 when you were detained,  
2 does that sound right?

3 A Correct, yes.

4 Q How long were you detained for?

5 A One year.

6 Q Were you detained because you were convicted of a crime?

7 A No, I have never committed any crime.

8 Q Where were you working when ICE picked you up?

9 A I was working at this kind of like a young child school,  
10 like a daycare, I would say, in the city of West Seattle.

11 Q Were you a teacher at the daycare?

12 A Yes, preschool, correct.

13 Q Were you work authorized?

14 A Not at that time.

15 Q Were you paying taxes on the income you were earning?

16 A Yes, all the taxes that the federal government withholds  
17 from you.

18 Q You were detained for over a year; is that right?

19 A Correct.

20 Q Did you get to hug your sons while you were detained?

21 THE INTERPRETER: Should the interpreter --

22 MS. CHIEN: I think opposing counsel made an  
23 objection.

24 THE COURT: I didn't hear the objection.

25 MR. SILVERMAN: I objected, Your Honor.

1 THE COURT: Who is speaking?

2 MR. SILVERMAN: Larry Silverman.

3 THE COURT: The objection is overruled.

4 BY MS. CHIEN:

5 Q Did you get to hug your kids while you were detained?

6 A I filed some kind of an order for ICE to allow my kids to  
7 come visit me so I could hug them. They never granted that.

8 Q How did you stay in touch with your kids?

9 A I would make calls. I would call them over the phone,  
10 which was pretty expensive. Then they would come visit me,  
11 but I would get to see them through a glass, and I had to  
12 pick up the phone to talk to them. It was really painful  
13 both for them and for me.

14 Q It cost money to call your kids; is that right?

15 A Yes, both telephone calls or video calls are very  
16 expensive in there.

17 Q Let's talk about the detention center itself. When you  
18 entered at the Northwest Detention Center, where did you  
19 enter?

20 A First of all, they take you to the back of the building,  
21 then you have to go through two security doors. You get to a  
22 sector they call intake. That's what they call it. You get  
23 into this room. This room has this unbearably cold air. You  
24 get to sit on these concrete benches. Nobody pays attention  
25 to you for hours until it is finally your turn to fill out

1 paperwork and to get your photos taken.

2 Q Does the intake area get dirty?

3 A It was really, really very dirty. I mean, you could see  
4 there was like pee around the bathrooms. Also the bathrooms  
5 were not separated for men and women, everybody would walk to  
6 the same place. From what I could see, there was no kind of  
7 like sanitation or anything to prevent them from getting so  
8 filthy. There was no hygiene. The bathrooms were always  
9 very dirty. You could smell the urine. They were filthy.

10 Q Did you see who cleaned the intake area?

11 A At the time I could see that, I saw it was the detainees  
12 or the residents, people who were housed at the detention  
13 center.

14 Q Did you ever see GEO staff clean the intake area?

15 A I never saw them clean.

16 Q From the intake area, were you taken to a living unit?

17 A Correct. You had to go through two security doors, then  
18 you would end up at like what they call the hallway. Then I  
19 went to a unit that was D-1. Then you have to go through two  
20 more doors, and then they assigned a bed for me.

21 Q Who cleaned the hallway that you walked through?

22 A Also the interns, the residents.

23 Q Do you mean the detainees?

24 A Yes, detainees, correct.

25 Q Did you ever see GEO staff cleaning the hallway?

1 A I never saw them.

2 Q I think you said you were assigned to D-1. Did you see  
3 who cleaned the showers in D-1?

4 A Same thing, detainees.

5 Q Who cleaned and maintained the toilets?

6 A The ladies who were assigned to that job.

7 Q Detainees?

8 A Detainees, correct.

9 Q Did you ever see GEO staff cleaning or maintaining the  
10 showers or toilets?

11 A I never saw them do that.

12 Q How long would it take detainees to clean the showers and  
13 the toilets?

14 A Two to three hours.

15 Q You also mentioned -- is there also a medical area at the  
16 detention center?

17 A Yes, there is a medical center.

18 Q Did you have to go to the medical area?

19 A Several times.

20 Q Did you see who cleaned and maintained the medical area?

21 A Female detainees.

22 Q How long were the female detainee workers assigned to  
23 clean the medical area working?

24 A I think that is okay. So we would all leave as a group at  
25 seven a.m. and we would all go to the medical center, and

1 then we would all come back again as a group and that would  
2 be before the meals. That would be between noon and one p.m.

3 Q So in your estimation, would it take several hours to  
4 clean the medical areas for the female detainees?

5 A Because also they would not let us like go back earlier.  
6 We all had to go there as a group and we all had to return as  
7 a group.

8 Q Did you ever see GEO staff cleaning the medical area?

9 A I never saw them.

10 Q Is there also a visitation area at the Northwest Detention  
11 Center?

12 A Correct.

13 Q Did you see who cleaned the visitation areas?

14 A I always saw the males cleaning that area.

15 Q Male detainees?

16 A Correct.

17 Q Did you ever see GEO staff cleaning the visitation area?

18 A I never saw them clean.

19 Q Did -- there was an exercise area or recreation area at  
20 the Northwest Detention Center; is that right?

21 A There were two recreation areas, as far as I remember.  
22 One was outdoors and one was inside like where your dorm area  
23 was.

24 Q Who cleaned and maintained these areas?

25 A I never saw who cleaned the outdoor recreation area, but

1 we would clean the recreation area inside our dorm ourselves.

2 Q The detainees?

3 A Correct.

4 Q Did you ever see GEO staff clean the indoor recreation  
5 area?

6 A I never saw them.

7 Q Did you also work at the Northwest Detention Center?

8 A Yes, I worked at the laundry area. What I would do is I  
9 would fold the clothes that came to our unit from the laundry  
10 area in the containers.

11 Q Why did you want to work?

12 A Well, I started working because the money that my family  
13 was giving me, you know, to help me while I was in there was  
14 not enough. You always ended up having to buy something when  
15 you were detained, anything that you needed, like, for  
16 example, proteins, I would buy proteins like powder proteins  
17 or fish or any other products. There were other things they  
18 would not give you, like, for example, shampoo or soap or  
19 conditioner or bra or panties. You know, at times your  
20 underwear would get old and broken and they would not replace  
21 it so you had to buy it.

22 Q You folded laundry. What kind of laundry were you  
23 folding?

24 A I would fold uniforms, T-shirts, underwear for both men  
25 and women, socks, sheets, blankets. All the clothing that



1 came out of the laundry during one day.

2 Q How would the laundry -- what would the laundry arrive in  
3 at your living unit?

4 A They are like really large containers. The kind you would  
5 see used in different industries or at warehouses. Really,  
6 really large containers.

7 THE COURT: Excuse me, counsel. It is time we took a  
8 break. We will take about ten minutes. Reconvene about ten  
9 minutes to 11:00. You may all be excused.

10 (Recessed.)

11 CLERK KALEEL: This is Courtroom Deputy Kaleel.  
12 Tyler is with the jury discussing a technology issue. We  
13 will be ready in just a moment.

14 THE COURT: All right.

15 THE CLERK: Sorry about that, Your Honor. I am back.  
16 Are we ready for the jury?

17 THE COURT: Yes.

18 (The following occurred in the presence of the jury.)

19 THE COURT: I guess the jury is back. Ladies and  
20 gentlemen, I didn't repeat the instruction I gave you earlier  
21 about the interpreter. Obviously, this witness is testifying  
22 with the help of our Spanish-English-Spanish interpreter. I  
23 just wanted to remind you that you must accept the  
24 interpreter's translation of the witness's testimony and make  
25 no assumptions about a witness or a party based solely on the

1 use of an interpreter to assist the witness.

2 I will not repeat that instruction every time we have a  
3 witness who is to testify with the help of an interpreter.  
4 You should keep it in mind as we go through other witnesses.

5 All right. Ms. Chien, you may continue.

6 MS. CHIEN: Thank you.

7 BY MS. CHIEN:

8 Q I think you were testifying the laundry would come in big  
9 industrial bins. How many bins of laundry did you fold per  
10 day?

11 A Depending on the day, it would be between six to ten bins.

12 Q Were you folding the laundry of the detainees currently in  
13 the facility?

14 A Many times, because of what I heard from my supervisor who  
15 was a GEO officer who was in charge of laundry, those times  
16 when we had a lot of clothes, it was because they did  
17 deportation and so all those clothes needed to be, you know,  
18 laundered and then folded.

19 Q Can you give me a sense of how much clothes there were, if  
20 there was a deportation? How many detainees -- a sense of  
21 the amount of clothes that you were folding?

22 A Let's say for example there was 100 people deported. Each  
23 one of us get assigned two sports uniforms, five T-shirts,  
24 five sets of underwear, two thin blankets, one thick blanket,  
25 one bag, it is kind of like a mesh bag where we can keep our

1 dirty laundry. If you have 100 people deported, you think  
2 about five clothing items for each, so you could imagine it  
3 was a lot, a lot of clothing.

4 Q You mentioned your laundry supervisor, the GEO laundry  
5 officer, how often did you meet with him?

6 A So, well, I would see him frequently. I would say that  
7 once a week he would show up to tell me, for example, on such  
8 a day we are going to have a lot of clothes, some extra  
9 clothes to fold because usually we were 12 people, but he  
10 could assign up to 15 people to help doing this. So the  
11 times he would come and check with me, are 12 enough or how  
12 we were doing because I remember particularly there was a  
13 time where you could hear there was something kind of like a  
14 caravan with multiple people, and so in those days you had  
15 really many, many people coming in or going out and so you  
16 had to take care of all of that --

17 THE INTERPRETER: The interpreter stopped her so I  
18 could interpret.

19 Q Actually, I will stop. You mentioned there was 12  
20 detainee workers that worked with you. Could one person fold  
21 all the laundry by themselves?

22 A No, never, no.

23 Q How many days a week did you work?

24 A Almost every day.

25 Q What were your hours?

1 A It depended. I would say it depended on each day. Many  
2 times, we would start working at five p.m. and we worked  
3 until seven p.m. Other times, we would start at four p.m. and  
4 we were still working at 11:00 p.m., which was not  
5 appropriate because by then everything was usually shut down  
6 or how they say it over there, everything has to be locked,  
7 and sometimes everything was locked except the laundry area  
8 because we were still folding and working.

9 Q When you had to work longer hours, did you get paid extra  
10 for those shifts?

11 A No, we got the same pay.

12 Q One dollar a day?

13 A That is correct, one dollar a day.

14 Q Were there times where you did not work?

15 A Yes, I got sick. There were times I didn't work because I  
16 got sick. I got sick physically and mentally. Frequently, I  
17 needed to go to these like therapy sessions, to these  
18 psychological therapy sessions with two different people who  
19 were there helping me with that.

20 Q I understand -- sorry. Did you work any other jobs at the  
21 detention center?

22 A So twice I also did some haircuts because I did study  
23 cosmetology. I have a certificate, actually, and so I was  
24 involved in that twice. They asked us if anybody wants to go  
25 do haircuts, and they would pay you one dollar. And since I

1 knew how to do it, I did it.

2 Q When you say "they," it is the GEO officers?

3 A Yes, the GEO officers.

4 Q There was no waiting list you had to sign up on?

5 A No, that was pretty automatic. You would write down your  
6 name on the list they had. The haircuts only happened once a  
7 month.

8 Q How many barbers were there or how many people cutting  
9 hair were there?

10 A In my unit, it was just another detainee and myself.

11 Q I am going to ask you to look in the documents for Exhibit  
12 216, and ask if you recognize this?

13 A Yeah, that's the place where we would go to cut hair.

14 MS. CHIEN: I would like to move to admit Exhibit  
15 216.

16 MR. SILVERMAN: No objection.

17 THE COURT: 216 may be admitted.

18 (Exhibit 216 was admitted.)

19 BY MS. CHIEN:

20 Q Can you tell me what this photo is of?

21 A Barbershop.

22 Q I see a trash bin. As a barber, did you also clean the  
23 barbershop?

24 A Yes, we had to leave everything that we had used. For  
25 example, we had to sweep the hair, we had to also take care

1 of all the tools that we used to cut the hair, like, for  
2 example, the scissors, the combs, all the razors and put  
3 everything in the trash can.

4 Q Did you ever see GEO staff cut hair in the barbershop?

5 A I never saw them.

6 Q Did you ever see GEO staff clean the barbershop?

7 A I never saw them.

8 Q Were you cutting other detainees' hair for free?

9 A It was free for the detainees, I would say, not for GEO,  
10 but they would still pay us one dollar. I think that was a  
11 lot cheaper probably than hiring somebody from the outside to  
12 come do this job because those of us who are in that  
13 profession, we charge between 25 or \$30 per person to do that  
14 job.

15 Q Why were you ultimately released from the Northwest  
16 Detention Center?

17 A Because I won my case.

18 Q Did it take almost a year for immigration officials to  
19 review your status and release you?

20 A Correct.

21 Q When you applied for your immigration status, did you have  
22 to disclose that you had previously crossed the border?

23 A Correct.

24 Q And they still released you; is that right?

25 A Yes.

1 Q So the federal government is not deporting you; is that  
2 right?

3 A No, not anymore.

4 Q You are allowed to stay in the United States?

5 A Yes, that is right.

6 Q You were granted work authorization?

7 A Of course.

8 Q Where do you work now?

9 A Right now, I am working at a care hospital in Seattle. It  
10 is called Transitional Care Center, and I am very happy  
11 there. I love my job and everybody who works there, the  
12 administrators, they not only really value what I do, my  
13 work, but they also really value me. They are really nice to  
14 me.

15 Q What is your job there?

16 A Well, I basically work for housekeeping, but I do other  
17 things, too. I work doing laundry. I also provide care to  
18 the residents. I help out in the kitchen. Everything that  
19 they need me to do and that I can do, I am happy to do all  
20 over the place.

21 Q You do some laundry; is that right? Is it similar to your  
22 job at the Northwest Detention Center?

23 A It is basically the same. We launder their clothes, their  
24 robes that we give them that we provide at the hospital,  
25 sheets, socks, everything, it is kind of like the same.

1 Q How much do you get paid?

2 A \$22 an hour.

3 Q Do you think it was fairly-earned pay, a dollar per day at  
4 the Northwest Detention Center?

5 A No, because actually I got there -- well, first of all,  
6 they took me there because I did not have a work  
7 authorization. As soon as I get there, they offer me to work  
8 so that was kind of confusing to me, and they were paying,  
9 you know, that kind of money. It was not very clear to me.  
10 At the beginning, I could not understand because I had been  
11 arrested for not having a work authorization, and there they  
12 were offering me to work which I thought I couldn't do and  
13 with that minimal payments, that was not acceptable, that  
14 amount.

15 Q So I understand -- did you get -- did friends or family  
16 give you money while you were detained in the Northwest  
17 Detention Center?

18 A Well, actually, my family, also my former boyfriend, they  
19 would also put some money on the books for me while I was  
20 there. Also some organizations were out there, they would  
21 also help. They would send, I don't know, \$5 or \$10. All  
22 that money, I tried to save as much as I could. I did use  
23 some to get my personal stuff, like I said, but I also was  
24 trying to save as much as I could because I did not know what  
25 was going to happen to my case. And the things that you hear



1 while you are out there is that all of a sudden when you are  
2 done they will drop you off at night in the middle of the  
3 street in Mexico, so I was trying to save some money so if I  
4 needed to, I don't know, get a hotel or taxi or for my own  
5 security because I just imagine if they leave me in the  
6 middle of the night on the street in Mexico, I had not been  
7 in Mexico for many years.

8 Q You still needed to work even though your friends and  
9 family were giving you money; is that right?

10 MR. SILVERMAN: Objection, leading.

11 MS. CHIEN: I will rephrase.

12 BY MS. CHIEN:

13 Q Is that the reason why you needed to work?

14 A Correct.

15 Q Would you have worked in the laundry if you weren't  
16 getting paid at all?

17 A No, it is kind of like if I offer someone to come to my  
18 house and then do the cleaning or landscaping. Let's say I  
19 bring someone to my house and I tell you, you have to do my  
20 landscape, but then I am going to pay you. We all work to  
21 get some kind of compensation. I believe every work you do  
22 deserves a payment.

23 MS. CHIEN: No further questions.

24 THE COURT: All right. Ms. Gomez, it would be a good  
25 idea if you didn't -- if you broke up your answers so the

1 interpreter can catch up to the testimony. It is hard for  
2 the interpreter when they are long answers. You can stop and  
3 then finish your testimony.

4 THE WITNESS: Yes, sir.

5 THE COURT: I just did it myself, Ms. Beatty. Sorry.

6 THE INTERPRETER: Thank you, Your Honor. Appreciate  
7 it.

8 THE COURT: Mr. Silverman, I take it you are on deck  
9 for cross?

10 MR. SILVERMAN: Yes, sir. Before we start, I would  
11 like to check to see if the witness has someone who can  
12 assist her with pulling up the Box documents because we are  
13 going to be using a couple of those.

14 MS. CHIEN: Mr. Silverman, we printed out the  
15 documents you emailed me this morning. If there is anything  
16 other than that.

17 MR. SILVERMAN: No. Great. Okay. Good. Thank you.

18 CROSS-EXAMINATION

19 BY MR. SILVERMAN:

20 Q Let's start with your name. You indicated your correct  
21 name is Maria Nayra Gomez Sotelo?

22 A Correct.

23 Q You indicated Karla Gomez Soto is a name you used but  
24 isn't your correct name?

25 A Correct.

1 Q You stated you had no other names other than those two,  
2 correct?

3 A Correct.

4 Q You have used Maria Gonzales Hernandez as a name, haven't  
5 you?

6 A Correct.

7 Q You have used Maria Nayra Sotelo Loubiano (phonetic) as a  
8 name as well, correct?

9 A That is my birth given name in Mexico.

10 Q What is Maria Gonzales Hernandez?

11 A It is just a name I picked when I tried to cross the  
12 border.

13 Q So you have been deported twice, correct?

14 A I actually was not deported twice. I tried to cross, but  
15 I never made it into the U.S. They stopped me right there at  
16 the border and they deported me back to Mexico, but I had not  
17 crossed to the U.S.

18 Q When you were deported back to Mexico, did you spend any  
19 time in an ICE detention facility?

20 A I was there in the sense they took pictures, I remember,  
21 and I think the fingerprints as well, but then they  
22 immediately sent you back to Mexico.

23 Q Let's talk about your time in the Northwest facility. You  
24 arrived in April of 2018, correct?

25 A Correct.

1 Q As soon as you arrived, were you provided with information  
2 about the volunteer work program?

3 A Not exactly as soon as I got there. So the info was given  
4 to you once you were already placed in your dorm area. There  
5 were GEO staff that would be yelling the info, or they would  
6 say, for example, does anybody want to work doing laundry,  
7 and then you either raised your hand or you would go to the  
8 desk where they were at and then you would write down your  
9 name on a piece of paper.

10 Q Can you look at the document that was provided to you this  
11 morning that is labeled as 296?

12 MS. CHIEN: (Ms. Chien speaking to the witness in  
13 Spanish.)

14 A Yes, I can see it now.

15 Q Do you recognize that document?

16 A Truly, I don't remember it.

17 Q Is that your signature at the bottom?

18 A Yes, that is my signature.

19 THE COURT: Just a second, counsel. What I have as  
20 296 is not what she is talking about.

21 MR. SILVERMAN: At the Court's direction over the  
22 last few days, we separated Exhibit 268 in the binders, which  
23 is a five-page document, into five individual exhibits. If  
24 you go to 268, A-268, those five pages will be the next few  
25 exhibits, A-268.

1 THE COURT: What you are giving me is plaintiff's  
2 exhibits. A-268 or A-296 would be defendant's exhibits.  
3 They are over there in the black binder.

4 Okay. Go ahead, Mr. Silverman.

5 BY MR. SILVERMAN:

6 Q This specific document was page five of five of 268?

7 MS. CHIEN: A-268?

8 MR. SILVERMAN: Correct. You are correct.

9 THE WITNESS: Now, I am not sure. I have separate --  
10 I have A-268 in front of me.

11 BY MR. SILVERMAN:

12 Q Page five of five of A-268?

13 THE COURT: What it is marked?

14 MR. SILVERMAN: Bates 299785 at the bottom right.

15 THE COURT: You know, you got me confused here. You  
16 have added some exhibits, apparently, by cannibalizing some  
17 other exhibits, which is fine, except I don't know what you  
18 did and I don't have copies of whatever it is you are  
19 offering now.

20 MR. SILVERMAN: They are one-pagers. They should be  
21 fairly simple.

22 THE COURT: Let's go back to Exhibit 296. Was that  
23 A-296?

24 MR. SILVERMAN: Yes.

25 THE COURT: She identified that document, I believe?

1 MR. SILVERMAN: Yes, sir.

2 THE COURT: You offered that exhibit?

3 MR. SILVERMAN: Yes, I would offer that as admitted  
4 into evidence, please.

5 THE COURT: Ms. Chien?

6 MS. CHIEN: No objection because she recognized her  
7 signature. She didn't actually recognize the document.

8 THE COURT: A-296 may be admitted.

9 Let's go on from there, counsel.

10 (Exhibit A-296 was admitted.)

11 MR. SILVERMAN: Thank you, Your Honor.

12 BY MR. SILVERMAN:

13 Q So before you at A-296 is a volunteer work agreement with  
14 your signature at the bottom, correct?

15 A Correct, yes.

16 Q You signed this as Gomez Soto, which is not your name,  
17 correct?

18 A Yes, that is the name that ICE had for me. That's how  
19 they recognized me under that name, using that name.

20 Q You see the date there, which is April 23rd, 2018. That's  
21 fairly soon from when you were admitted into the facility,  
22 correct?

23 A Correct.

24 Q If you could turn to the next document, which we had  
25 marked as 297, A-297. A-297, which was previously A-268,

1 four of five. Will you look at this and tell me if you  
2 recognize it?

3 A Yes, I do recognize it.

4 Q Is this your request to be assigned to the laundry in the  
5 voluntary work program?

6 A Yes, you would have to send this through a tablet. That  
7 was to let them know that I would be another worker for them.

8 MR. SILVERMAN: At this point, we move to admit  
9 Exhibit A-297.

10 MS. CHIEN: No objection.

11 THE COURT: It may be admitted.

12 (Exhibit A-297 was admitted.)

13 BY MR. SILVERMAN:

14 Q Do you see there that you requested to work in the laundry  
15 about a little over a week after you signed the voluntary  
16 work program agreement?

17 A Correct.

18 Q Is it true that after a few days, you were advised that  
19 you would be placed on the waiting list for the laundry?

20 A Yes, that's what they tell you.

21 Q Isn't it true that it took a few weeks before the laundry  
22 position became available for you to volunteer?

23 A I don't remember how much time went by until the time they  
24 told me that yes, as of that moment, I was part of their  
25 workers.

1 Q If you could turn to the next document, which is labeled  
2 as Exhibit A-298. Do you recognize that document?

3 A No, I don't recognize it.

4 Q Is that your signature at the bottom of the document?

5 A Yes, that is my signature.

6 MR. SILVERMAN: We would move Exhibit A-298 into  
7 evidence, please.

8 MS. CHIEN: No objection.

9 THE COURT: A-298 may be admitted.

10 (Exhibit A-298 was admitted.)

11 BY MR. SILVERMAN:

12 Q This is called a refusal to work form. Isn't it true that  
13 after being assigned or being given the opportunity to work  
14 in the laundry, you refused to work in the laundry?

15 A Yes, that is at the time when I needed some medical care.

16 Q Turn to the next document, which is Exhibit 299. Tell me  
17 if that is your signature at the bottom of that document?

18 A Correct, that is my signature.

19 MR. SILVERMAN: We move to admit Exhibit 299 as  
20 evidence, please.

21 MS. CHIEN: No objection.

22 MR. SILVERMAN: A-299.

23 THE COURT: A-299 may be admitted.

24 (Exhibit A-299 was admitted.)

25



1 BY MR. SILVERMAN:

2 Q This document is dated October 4th, 2018, correct?

3 A Correct.

4 Q At this point, you have been in the facility since April,  
5 correct?

6 A Yes.

7 Q Just now you are beginning to actually work in the  
8 voluntary work program, correct?

9 MS. CHIEN: Objection, misstates the testimony.

10 THE COURT: She may answer.

11 THE WITNESS: I was working at the program.

12 BY MR. SILVERMAN:

13 Q But not until October of 2018, correct?

14 A I don't remember what the date was when I started working.

15 Q If you can look at the next document in front of you,  
16 which is marked as Exhibit A-300. Tell me if you recognize  
17 your signature at the bottom?

18 A Yes, that is my signature.

19 MR. SILVERMAN: I would move to admit Exhibit A-300  
20 into evidence.

21 MS. CHIEN: No objection.

22 THE COURT: A-300 may be admitted.

23 (Exhibit A-300 was admitted.)

24 BY MR. SILVERMAN:

25 Q This is a job description for a position in the laundry,

1 correct?

2 A This paper, we basically don't do that like the numbered  
3 jobs.

4 THE COURT: Excuse me. Can we get the witness's  
5 picture on the screen when she answers, Tyler?

6 THE CLERK: Her video is on my screen. I believe on  
7 your side, you can pin her, if you want to keep her in the  
8 frame.

9 THE COURT: Okay. Go ahead.

10 BY MR. SILVERMAN:

11 Q All you did was fold laundry, correct, while you  
12 participated in the volunteer work program as a laundry  
13 worker?

14 A Correct.

15 Q It would be fair to say that a shift to fold laundry would  
16 take about an hour and a half?

17 A It was actually from five p.m. to seven or 7:30 p.m.

18 MR. SILVERMAN: Can we upload the declaration into  
19 the Box? We will be sending another document. We will move  
20 on while we deal with that.

21 BY MR. SILVERMAN:

22 Q You talked about some of the other areas of the detention  
23 facility during your testimony this morning. You never  
24 volunteered or otherwise cleaned up in the medical area,  
25 right?

1 A Never.

2 Q You never volunteered or cleaned up in the hallways,  
3 correct?

4 A Correct. Never.

5 Q You never volunteered or worked in the intake center,  
6 correct?

7 A Never.

8 Q So you don't know how long it takes to clean the intake  
9 area, the hallways with the medical area, do you?

10 A Well, I could talk about the medical area because almost  
11 everyday I was either at the intake area or the medical area.

12 Q Why were you in the intake area every day?

13 A Because I had the dentist one day, psychologist another  
14 day. They could not give me all my appointments on the same  
15 day.

16 Q You are talking about being there every day. You were at  
17 the facility for a year, correct?

18 A Correct.

19 Q Were you at the dentist or the medical provider every day?

20 A If you can check my records, you will see that every day  
21 they would send me out every single day.

22 Q Did you ever pay for any of those medical or dental  
23 services?

24 A I never paid.

25 Q There is no charge, right?

1 A Correct.

2 Q You volunteered for the program understanding that you  
3 would receive one dollar per day, correct?

4 A Correct.

5 Q Did anybody ever tell you there was going to be a  
6 different amount?

7 A No, never.

8 Q Did you ever have to do an interview to get your position?

9 A Yes.

10 Q Who did you interview with?

11 A With the officers in charge on that day.

12 Q The officers in charge on that day, does that mean the day  
13 you started folding or every day?

14 A The way it works is, first of all, they interview in the  
15 morning so that when the clothing arrives, then you just go  
16 out and start working with the clothes.

17 Q So I think we may be having a difference in terms of the  
18 definition of "interview." To originally get a position so  
19 that you could volunteer in the laundry, did you have to meet  
20 with anyone to explain to them why you were qualified to do  
21 that?

22 A No. They would tell you if you want to do the job, you  
23 have it. If you don't want it, somebody else is going to get  
24 the job instead of you.

25 Q You mentioned also you did haircuts. Is that just twice?

1 A Just those two times.

2 Q Before you could do that, did you have to show anyone that  
3 you were good at it or qualified?

4 A No, they don't care much. They just ask, does anybody  
5 know how to cut hair, and then does anybody want to get their  
6 hair cut. And then those who go cut hair, you have to sign  
7 something so that you get paid, and the ones who want to get  
8 their hair cut also have to sign so that they can go there.

9 Q When you volunteered to do haircuts or fold laundry, were  
10 you ever asked to show a U.S. work authorization?

11 A They never requested that.

12 Q You talked a little bit about your commissary account.  
13 You said some of the things you bought were soap and shampoo,  
14 and they didn't give you soap and shampoo. Do you remember  
15 that?

16 A Yes, I do.

17 Q Did they not give you any shampoo or soap or did you not  
18 like the free soap or shampoo they gave you?

19 A Well, they do have in the container on some kind of like  
20 tab, they do have soap. It is like a multipurpose soap so  
21 you have to use that for everything. It is pretty strong,  
22 actually. That's what you use for everything. It was  
23 starting to give me some allergy because of how strong it is.  
24 I was having, I don't know exactly how to call it. It was  
25 some kind of like a rash, so I even had to go get some

1 ointment because of the rash that it was giving me because of  
2 the allergy.

3 THE COURT: Excuse me, Mr. Silverman.

4 Ms. Beatty, it is okay to stop the witnesses if you need  
5 to in the middle of an answer.

6 THE INTERPRETER: I will, Your Honor. Thank you.

7 MR. SILVERMAN: You're amazing, Ms. Beatty.

8 THE INTERPRETER: Oh, thank you.

9 BY MR. SILVERMAN:

10 Q You bought things like ramen noodles, right?

11 A Correct. So there is something about that that I would  
12 like to say. There were many women at the detention center  
13 while I was there. Many of those women did not have any  
14 family whatsoever in the U.S. The food that they would give  
15 us was not enough for many of them, and there were some  
16 elderly ladies whose stomachs could not recognize or were not  
17 used to the type of food that they were given there. It  
18 could be like the culture, it could be the condiments that  
19 were used. So many of them would end up not eating at all  
20 during a whole day.

21 Many times, I spent the money that my family would put to  
22 me to share some of the food with them so that at least they  
23 could eat something or try something. At times, it wasn't  
24 that they did not have food. At times, the food would not  
25 sit well in their stomachs or maybe they did not have enough,

1 they only ate a little bit or had a little bit. It was not  
2 food. So it is hard at times to have to wait for the next  
3 meal, and so because of that, I shared mine. At least with  
4 those soups you mentioned, they would be happy for a little  
5 while, for as long as their stomachs were full.

6 Q When you left the facility, you had about \$800 that you  
7 left with, correct?

8 A Yes, I did. The fact of the matter was, I was trying to  
9 save as much as I possibly could just in case, you know, just  
10 in case I got deported, just in case I lost my case so that I  
11 could have enough at least to rent a hotel because they never  
12 tell you where they are going to drop you off, what is going  
13 to happen to you. They don't care. They just kick you out  
14 of the country, and they don't care if you have money enough  
15 to eat or not. So, you know, I was there and I could hear  
16 all these stories, so I was trying to save as much as I could  
17 just in case they would leave me somewhere in Mexico, and I  
18 did not know Mexico anymore because I hadn't been there in  
19 the longest time.

20 Q I would like you -- I believe in your Box should be a  
21 document which is a Spanish version of a prior declaration  
22 that you signed, which is at A-341.

23 MS. CHIEN: Mr. Silverman, just so you know, we are  
24 going to have somebody help her with the Box. So somebody is  
25 going to be in that room. Are you sure it is --

1 MR. SILVERMAN: A-341 is Spanish and A-342 is  
2 English.

3 MS. CHIEN: I think you are talking about 341, not A.

4 MR. SILVERMAN: You're right. It is just regular  
5 341. Do we know if we have it yet?

6 THE WITNESS: Yes.

7 BY MR. SILVERMAN:

8 Q If you could look at paragraph 7.

9 A I am looking at one that is in English, if you could  
10 translate it for me.

11 Q Okay. You signed a declaration that says, quote --

12 MS. CHIEN: Can you wait, please, so we can make sure  
13 she has the right document in front of her.

14 THE WITNESS: I am on 7, but it is in English.

15 BY MR. SILVERMAN:

16 Q We will translate what is before you.

17 THE COURT: Excuse me, counsel. You mentioned two  
18 exhibits, 341 and 342. 341, I believe is in Spanish, and 342  
19 is the same document translated into English. If you are  
20 asking her about a paragraph, you should ask her about the  
21 one in Spanish.

22 MR. SILVERMAN: That's what I am trying to do,  
23 Your Honor. It didn't sound like she had the Spanish one in  
24 front of her, which is 341.

25 THE WITNESS: We are looking for it.



1 MS. CHIEN: Ms. Gomez, we will give you the hard  
2 copy. We are going to pull it right now.

3 THE WITNESS: Thank you. Okay. I got it.

4 BY MR. SILVERMAN:

5 Q Isn't it true you signed a declaration that said -- where  
6 you said the normal shift was 90 minutes?

7 A It was never 90 minutes.

8 Q In your declaration, didn't you say that your regular work  
9 schedule starts at eight p.m.?

10 MS. CHIEN: Counsel, you have to read the entire  
11 line, please.

12 THE WITNESS: It says, "Our regular schedule starts  
13 at eight p.m. but some days we start earlier than that." At  
14 times, we would start at eight a.m., but never at eight p.m.

15 BY MR. SILVERMAN:

16 Q Why did you sign a declaration that says that, quote, "Our  
17 regular work schedule starts at eight p.m."?

18 A So, yes, that is my signature. I never was like that. I  
19 am thinking maybe they made a mistake because the laundry  
20 time, the laundry schedule was always after dinner. It was  
21 always after dinner. It was between six or sometimes we  
22 started at four. I mean, the time varied all the time. It  
23 depended on how much clothes there were and that. We were  
24 never told, okay, like this is the time and that's it.

25 MR. SILVERMAN: Your Honor, I would like to publish

1 the English version of the declaration for the jury.

2 THE COURT: These are not in evidence at this point.

3 MR. SILVERMAN: I'm sorry, I would like Exhibit 341  
4 and 342 moved into evidence.

5 MS. CHIEN: Counsel, are you using this to impeach  
6 because it doesn't get moved into evidence?

7 MR. SILVERMAN: It would be -- well, I want to  
8 publish it, so therefore I want to admit it.

9 MS. CHIEN: That would be improper impeachment. If  
10 you are trying to impeach her, you can impeach her but the  
11 document doesn't get admitted.

12 MR. SILVERMAN: It is her declaration. It is  
13 admissible. We are arguing. Obviously, it is the Judge's  
14 call.

15 THE COURT: Well, I think A-3 -- I'm sorry. No  
16 prefix of "A"?

17 MR. SILVERMAN: Correct.

18 THE COURT: We are talking about Exhibit 341 and 342,  
19 and they may be admitted.

20 MR. SILVERMAN: I would like to publish paragraph 7.

21 BY MR. SILVERMAN:

22 Q You signed this declaration, correct?

23 A Yes, that is my signature.

24 Q Now, you stated that you have now received authorization  
25 to stay in the United States and work authorization; is that

1 correct?

2 A Correct.

3 Q You got that permission from ICE, not from GEO, correct?

4 A Correct.

5 Q You indicated that you are currently working at the  
6 transitional care center, correct?

7 A Correct.

8 Q You are doing lots of different tasks there, correct?

9 A Correct.

10 Q You are not doing just one task. Every day is something  
11 different?

12 A Well, my job is housekeeping.

13 Q Are there volunteers at the transitional care center?

14 A Not that I know of.

15 Q You don't know one way or the other?

16 A I don't know if there are any.

17 MR. SILVERMAN: No further questions, Your Honor.

18 MS. CHIEN: One quick question, Your Honor, on  
19 redirect.

20 REDIRECT EXAMINATION

21 BY MS. CHIEN:

22 Q So Mr. Silverman has asked you questions about you knowing  
23 it was that dollar per day at the voluntary work program; is  
24 that right?

25 A Correct.

1 Q Why didn't you work somewhere else if you knew the pay was  
2 only a dollar?

3 A Because I couldn't. They were holding me against my will  
4 in there.

5 Q If you could have worked somewhere for more than a dollar  
6 per day, would you have?

7 A Of course, I would.

8 MS. CHIEN: No further questions.

9 THE COURT: May this witness be excused?

10 Thank you, Ms. Gomez. You may be excused.

11 THE WITNESS: Thank you, Your Honor.

12 THE INTERPRETER: Thank you.

13 MS. CHIEN: Thank you.

14 MR. SILVERMAN: Again, that was amazing, Ms. Beatty.

15 THE INTERPRETER: Thank you very much. Thank you.

16 THE COURT: You may call your next witness, whoever  
17 is on deck.

18 MR. WHITEHEAD: Yes, Your Honor. We would call  
19 Marc Johnson.

20 MS. SCHEFFEY: Give me a moment. I will get him on.

21 MR. WHITEHEAD: Given how close we are to the lunch  
22 break, I'm certainly happy to begin my examination now. Also  
23 open to beginning after lunch.

24 THE COURT: Well, five minutes is five minutes or  
25 six. If we can get the witness in.

1 MS. MELL: Yep, he's coming. He should be sitting  
2 down in just a minute.

3 THE CLERK: The witness is being admitted at this  
4 moment.

5 THE COURT: All right. Thank you, Tyler.

6 Mr. Johnson, if you would raise your right hand and be  
7 sworn.

8 MARC JOHNSON,  
9 having been sworn under oath, testified as follows:

10 THE WITNESS: Yeah.

11 THE COURT: Thank you. Mr. Whitehead, you may  
12 examine.

13 MR. WHITEHEAD: Thank you, Your Honor.

14 DIRECT EXAMINATION

15 BY MR. WHITEHEAD:

16 Q Good morning, Mr. Johnson. I guess almost good afternoon.

17 A Good morning.

18 Q You currently work for GEO. Do I have that right?

19 A Yes.

20 Q What is your current role with GEO?

21 A I am a detention officer.

22 Q We met over a year, year and a half ago at this point, and  
23 I asked you a number of questions about the detainee worker  
24 program, do you remember that?

25 A I do.

1 Q You testified under oath just like you are doing today,  
2 correct?

3 A Yes.

4 Q You told me that as a detention officer, you were directly  
5 involved in supervising detainee workers, correct?

6 A Yes.

7 Q Will you answer my questions today about the detainee  
8 worker program?

9 A Yes, I will.

10 Q When did you begin working for GEO?

11 A April of 2009.

12 Q At GEO, it is a good paying job, isn't it?

13 A It is good.

14 Q In fact, you quit your last job to work at GEO, correct?

15 A Yes.

16 Q That's because the job at GEO paid more?

17 A Uh-huh, yes.

18 Q Just like the deposition questions, it is important you  
19 answer my questions with words. "Uh-huh" and "huh-uh" just  
20 don't show up on the transcript.

21 When we spoke last, you were making close to \$30 an  
22 hour. Do I have that right?

23 A Yes.

24 Q You also told me you work a fair amount of overtime,  
25 correct?

1 A Yes.

2 Q Something along the lines of eight to 20 hours a week in  
3 overtime. Does that sound about right?

4 A Yes.

5 Q Is that -- does that carry through to today that you still  
6 work about eight to 20 hours of overtime each week?

7 A Yes.

8 Q In your times at the Northwest Detention Center, can you  
9 give me a list of the various roles that you have held?

10 A I have been a detention officer, I was acting lieutenant  
11 and lieutenant. I promoted to lieutenant and then back to  
12 detention officer.

13 Q So the move from detention officer to acting lieutenant to  
14 lieutenant, that was a promotion, correct?

15 A Yeah.

16 Q Why go from lieutenant back to being an officer?

17 A The lieutenant position was salary, and at the time I just  
18 wasn't making enough money to support my family so I stepped  
19 down to, you know, get paid an hourly rate and be able to  
20 work overtime.

21 Q So as a detention officer, your main focus is on safety  
22 and security. Do I have that right?

23 A Yes, that's my primary focus.

24 Q You definitely have other duties, correct?

25 A Yes.

1 Q Supervising the detainee workers is one of those duties?

2 A Yes.

3 Q As a lieutenant, your supervision was more indirect, would  
4 you agree with that?

5 A Yes.

6 Q As a detention officer, the supervision and direction is  
7 more hands on?

8 A Yes.

9 Q That puts you closer to the actual supervision of the  
10 detainee workers than say someone that might be in  
11 administration, would you agree with that?

12 A Yes.

13 Q So you are closer to the work, so to speak, than someone  
14 like the facility administrator?

15 A Yes.

16 Q Facility administrator, that's just a fancy name for  
17 warden, correct?

18 A I don't know that it is a fancy name. It is the current  
19 title they use.

20 Q Fair enough. The Northwest Detention Center, it is not a  
21 criminal detention facility, is it?

22 A No.

23 Q The people held there, they are not being held as part of  
24 punishment, correct?

25 A Correct.



1 Q I want to talk about your direct supervision of detainee  
2 workers. You have supervised detainee workers on the  
3 graveyard shift, correct?

4 A Yes.

5 Q In fact, most of your time with GEO, at least when we  
6 spoke last, you said you spent the bulk of it working the  
7 graveyard shift?

8 A Yes.

9 Q Can you tell us about your work supervising detainee  
10 workers on the graveyard shift?

11 A On the graveyard shift, they clean up at the end of the  
12 day, take the trash out, you just -- just make sure kind  
13 of -- you wrap up the end-of-the-day kind of stuff, put  
14 everything away. That is about it.

15 THE COURT: It is about lunch time now,  
16 Mr. Whitehead.

17 Ladies and gentlemen, we will reconvene at 1:00. Please  
18 be back ready to go at 1:00.

19 MR. WHITEHEAD: Thank you, Your Honor.

20 MS. SCHEFFEY: Thank you, Your Honor.

21 (Recessed.)  
22  
23  
24  
25

AFTERNOON SESSION

JUNE 7, 2021

(The following occurred outside the presence of the jury.)

THE COURT: I guess counsel are back. You all are driving me crazy with these motions to admit exhibits. The admission of exhibits does not require a motion. Typically, historically and customarily a lawyer will offer an exhibit and it either will be admitted or not. I don't know who came up with the idea that you move to admit an exhibit. In my humble opinion, it is not the right way to do it, even though it seems to have overwhelmed the bar. I am not going to die from it, but cuts against my respect for history every time you move to admit an exhibit.

THE CLERK: We got it all figured out, Your Honor.

THE COURT: All right. Bring the jury in. The witness is present.

THE CLERK: They are on their way back in.

(The following occurred in the presence of the jury.)

THE CLERK: Everybody is present.

THE COURT: All right. You may continue, counsel, with Mr. Johnson.

MR. WHITEHEAD: Thank you, Your Honor.

BY MR. WHITEHEAD:

Q Mr. Johnson, before the lunch break, we were talking about your work and supervising detainee workers on the graveyard.

1 Do you remember?

2 Sorry. I can't hear you. Can you hear me? That might  
3 have done it. Can you say something?

4 A Can you hear me now?

5 Q Yes.

6 A Sorry about that.

7 I do remember talking about that.

8 Q Great. So, as I understand it, you supervised the workers  
9 while they do trash pick up. Is that one of the things you  
10 do on graveyard?

11 A Yes.

12 Q Also while they clean the floors, correct?

13 A Yes.

14 Q Sweep, correct?

15 A Yes.

16 Q Waxing of the floors?

17 A Yes.

18 Q Stripping the wax?

19 A Yes.

20 Q And buffing the floors?

21 A Yes.

22 Q I think now is a good time to talk about the floors. GEO  
23 trains the detainee worker if they don't have prior  
24 experience waxing and buffing floors, correct?

25 A Correct.

1 Q GEO provides the detainee workers all of the cleaning  
2 supplies to do their job?

3 A Yeah, due to the nature of the environment.

4 Q You told the detainee workers where to buff, strip, wax,  
5 et cetera, the floors, correct?

6 A Yes.

7 Q The buffing, waxing, stripping of the floors, it can take  
8 two hours or up to four or five hours to complete, right?

9 A It just depends. The actual spreading or stripping of the  
10 floors, putting on wax, there is a lot of wait time.

11 Q Well, you gave me an estimate before. You told me two  
12 hours up to four or five hours; is that correct?

13 A Yes.

14 Q I think I would like to show you a couple pictures at this  
15 point. Let's take a look at Exhibit 491.

16 MR. WHITEHEAD: The parties have stipulated to  
17 authenticity and admissibility of Exhibit 491.

18 MS. SCHEFFEY: No objection.

19 MR. WHITEHEAD: I would offer Exhibit 491 into  
20 evidence at this time.

21 THE COURT: 491 may be admitted.

22 (Exhibit 491 was admitted.)

23 MR. WHITEHEAD: Thank you. May I publish,  
24 Your Honor?

25 THE COURT: Yes.

1 BY MR. WHITEHEAD:

2 Q In a moment, Exhibit 491 is going to come up on your  
3 screen. My question to you is whether this is a fair and  
4 accurate representation of the buffers that are used at the  
5 Northwest Detention Center?

6 A Yes.

7 Q What is this that we are looking at here at Exhibit 491?

8 A Looks like a janitor's closet, what we call it. Yeah, it  
9 has a buffer and then all the other tools that, you know, are  
10 used, brooms, dust mops, mop handles. They are all on a  
11 shadow board so they can be accounted for. There is a sink,  
12 like a tub thing for water.

13 Q The equipment we are looking at here in Exhibit 491, are  
14 these the materials that the detainee workers use to care for  
15 the floors?

16 A I mean, the buffer, yes. The actual wax and stripper is  
17 in another location.

18 Q Thank you. I would like to take a look at another  
19 picture. Why don't we bring up Exhibit 474?

20 MR. WHITEHEAD: Your Honor, Exhibit 474 has been  
21 stipulated to as far as authenticity and admissibility. We  
22 would offer Exhibit 474 into evidence.

23 MS. SCHEFFEY: No objection.

24 THE COURT: It may be admitted.

25 MR. WHITEHEAD: May I publish, Your Honor?

1 (Exhibit 474 was admitted.)

2 THE COURT: Yes.

3 BY MR. WHITEHEAD:

4 Q We have Exhibit 474 up on the screen. What are we looking  
5 at here?

6 A Hallway inside the facility.

7 Q This hallway, is it part of the Grey Mile?

8 A Yes.

9 Q It is called the Grey Mile because it is long; is that  
10 right?

11 A And it used to be grey. They put like a floor covering  
12 over the floor. Used to be cement colored so it was grey.

13 Q The floors, this would be one of the hallways or corridors  
14 that the detainee workers would buff, wax and strip that you  
15 just described for us?

16 A Yes.

17 Q Why is it important for GEO to take care of the floors in  
18 the way you just described?

19 A Well, you want to upkeep the facility. A clean facility  
20 makes everyone feel better, you know.

21 Q Keep the appearance of the facility up, would you agree?

22 A That's part of it.

23 Q Cleanliness and hygiene, I imagine those are parts as  
24 well, would you agree?

25 A Yes.

1 Q Perhaps safety would be an issue as well in terms of  
2 keeping the floors in good shape?

3 A Yes.

4 Q Probably some laws and regulations in there, too, that  
5 require GEO to keep the floors in good shape, would you  
6 agree?

7 MS. SCHEFFEY: Objection. Calls for speculation.

8 THE COURT: I think he may answer.

9 THE WITNESS: I am not sure if there are laws.

10 BY MR. WHITEHEAD:

11 Q So if the detainee workers didn't perform this work,  
12 someone else would have to care for the floors in the way you  
13 have just described, would you agree with that?

14 A Yes.

15 Q The work you described in keeping the floors in tiptop  
16 shape, that's not optional work, correct?

17 A No.

18 Q Needs to be done inside the facility, correct?

19 A Yes.

20 Q Let's talk about painting. As I understand it, painting  
21 is another area of detainee workers that you supervise,  
22 correct?

23 A Yes.

24 Q The painting can range in scope, would you agree?

25 A Yes.

1 Q Can be touch-up paint on one hand and painting whole areas  
2 of the facility on the other?

3 A Yes.

4 Q When we are talking about painting areas of the facility,  
5 we are talking about the living pods?

6 A That's part of it.

7 Q Intake?

8 A Another part.

9 Q Booking?

10 A That's the same as intake.

11 Q What about the Grey Mile, is that another area?

12 A Yes.

13 Q What am I leaving out, anything else?

14 A I think that is it.

15 Q When it comes to painting, GEO trains the detainee workers  
16 on proper painting techniques, correct?

17 A Yeah. I mean, it is pretty basic and simple stuff, but we  
18 do.

19 Q The painting, it can range in time. You told me before  
20 that it can range from two hours to four hours, correct?

21 A Uh-huh. Yes.

22 Q Let's take a look at another picture. Could we get  
23 Exhibit 490, please.

24 MR. WHITEHEAD: Your Honor, Exhibit 490 has been  
25 stipulated as far as authenticity and admissibility. We



1 would offer it into evidence at this time.

2 THE COURT: 490?

3 MR. WHITEHEAD: Yes, Your Honor.

4 THE COURT: What did I lose here? I don't have --  
5 okay. It may be admitted.

6 (Exhibit 490 was admitted.)

7 MR. WHITEHEAD: May we publish?

8 THE COURT: Yes.

9 BY MR. WHITEHEAD:

10 Q Is this a fair representation of the painting materials  
11 and rags that detainees use?

12 A Yes.

13 Q We have drop cloths in these pictures. We have something  
14 in a basket.

15 A You are not talking about the rollers, you are talking  
16 about the grey barred basket?

17 Q Yeah, the thing hanging in the basket. What is that?

18 A Soap and extra chemicals are kept and secured, due to the  
19 environment, the custody, custodial environment that we work.  
20 Hypoallergenic hand wash. We refill the showers and stuff so  
21 they have soap to take showers.

22 Q The drop cloths and paint rollers we are looking at, these  
23 are materials GEO provides?

24 A Yes, again, due to the nature of the environment, they  
25 can't bring their own. It can be used as weapons, stuff like

1 that.

2 Q Have you heard of anyone using a paint roller as a weapon?

3 A Not specifically a paint roller, but --

4 Q Well, painting, why is it important for GEO to paint in  
5 the way that you have just described for us, the touch-up  
6 paint and painting whole areas of the facility?

7 A It contributes to the overall cleanliness of the facility,  
8 security, making sure everything is clean and orderly.  
9 Similar to the floor upkeep.

10 Q That's right. You took the words right out of my mouth.  
11 Similar to the floors, we are talking about the general  
12 upkeep of the facility, right?

13 A Yes.

14 Q Just like my question about the floors, if the detainee  
15 workers didn't do the touch-up paint and painting whole areas  
16 of the facility, someone else would have to, correct?

17 A Yes, the officers would. They have.

18 Q Right, the work would still need to be done?

19 A Yes.

20 Q That is because it is important work?

21 A Yes.

22 Q The detainee workers, they painted murals along the Grey  
23 Mile, do I have that right?

24 A Yes.

25 Q Do you like the murals?

1 A I do like the murals.

2 Q What do you like about them?

3 A They are very well done. They are artistic and general --  
4 and you know, different. It definitely, you know, kind of  
5 personalizes the place.

6 Q Those murals, the GEO submitted a request to the detainee  
7 workers to see if anyone wanted to paint the murals?

8 A Yes.

9 Q Like a bid for work?

10 A I don't know that it is a bid for work. It was more like,  
11 see who was interested and they had to submit like examples.

12 Q This is GEO vetting to make sure the people that were  
13 offering to paint the murals could in fact paint good murals,  
14 I guess for lack of a better way to put it?

15 A Yeah, but if no one submitted interest or wanted to do it,  
16 it wouldn't have happened, I don't think.

17 Q The point I am driving at is perhaps a little bit  
18 different. GEO wouldn't have allowed just anyone to paint on  
19 its walls, correct?

20 A I don't know.

21 Q GEO had to request samples and vet the samples to make  
22 sure it was hiring the right people to paint the murals,  
23 correct?

24 A I don't know what the standards were for approving someone  
25 to paint a mural, you know, or what the qualifications are.

1 I know that people expressed interest and volunteered and  
2 they submitted like examples of their work. That's all I  
3 know.

4 Q How about this, do you know how much the people that  
5 painted the murals were paid?

6 A I do not.

7 Q More than a dollar?

8 A I don't know.

9 Q Do you know how much it would have cost to hire artists  
10 from outside the Northwest Detention Center to paint those  
11 same murals?

12 A No.

13 Q Let's keep moving through the work you supervised. You  
14 supervised work done in the recreational areas, correct?

15 A Yes.

16 Q The detainee work in the recreation yard, it is  
17 essentially more cleaning?

18 A Yes.

19 Q As part of your job, you made sure the recreation workers,  
20 the cleaners there had the tools they needed to clean, right?

21 A Again, yes, due to the nature of the environment, stuff  
22 has to get checked out, checked in, so it doesn't go missing,  
23 you know. Don't want it to be used as weapons, stuff like  
24 that.

25 Q Well, you are also making sure that the job is done

1 safely?

2 A Yes.

3 Q And you are making sure they do the job satisfactorily?

4 A Yes.

5 Q When there are new workers, you provide them training  
6 about how to do their jobs, correct?

7 A Yes.

8 Q You go over the job description with them?

9 A Yeah, the jobs are pretty basic and simple.

10 Q Even though, you go over the job descriptions and basic  
11 outline with them, correct?

12 A Yes.

13 Q You show them where to clean?

14 A Yes.

15 Q Show them the correct cleaning supplies to use?

16 A Yes.

17 Q You are making sure they understood what the job entails,  
18 correct?

19 A Yes.

20 Q Those job descriptions, those aren't just suggestions  
21 about the work to be done, are they? Put another way, you  
22 expect the detainee workers to follow the job descriptions?

23 A Yeah, I believe they are guidelines.

24 Q You expect them to perform in a satisfactory way, correct?

25 A Yes.

1 Q If they don't, there are consequences, right?

2 A Yes.

3 Q Like termination?

4 A They could lose the job they volunteered for.

5 Q "Termination" is the word I am using. If people don't  
6 perform satisfactorily, they can be terminated, right?

7 A Yeah, I don't view it as terminated. I view it as they  
8 lose the job they volunteered for.

9 Q Well, the detainee workers and their failure to follow GEO  
10 staff instruction, could that lead to termination?

11 A Well, the failure to follow instruction would be a  
12 disciplinary thing, so... I believe, according to PBNDS, loss  
13 of job is a penalty.

14 Q Who initiates that process, the disciplinary process that  
15 you are alluding to right now? That's GEO, right?

16 A It would be whoever observes the violation. It could  
17 be -- most often it is GEO.

18 Q GEO can terminate detainee workers for excessive  
19 absenteeism, correct?

20 A Yeah, if you are absent, you will lose your job.

21 Q GEO can terminate detainee workers for horseplay or  
22 misconduct, correct?

23 A Yes.

24 Q Or theft?

25 A Yes, you could.

1 Q And unsatisfactory work performance?

2 A Yes, you could.

3 Q What is a worker pay sheet?

4 A It is a pay sheet that has their name and their alien  
5 number and job title, and then they sign it. There is one a  
6 day, one sheet a day. You know, it holds several signatures.

7 Q What is the point of the worker pay sheet? What are they  
8 for?

9 A To make sure the detainees get paid and also to, you know,  
10 know who the worker is, follow up and make sure the job gets  
11 done.

12 Q The last part, if the worker does a bad job, you as the  
13 detention officer, you can refuse to let them sign the worker  
14 pay sheet; is that right?

15 A Uh-huh.

16 Q That means the worker doesn't get paid, correct?

17 A Yeah, if they don't sign the pay sheet, they wouldn't get  
18 paid.

19 Q It could lead to a loss of job if they do a bad job,  
20 correct?

21 A Yes.

22 Q Now, the detainee workers, they cook inside the Northwest  
23 Detention Center; is that right?

24 A No, I don't believe they cook. I think they assist in the  
25 kitchen.

1 Q Well, they help with the food preparation, you would agree  
2 with that, right?

3 A Yeah.

4 Q They help with the food service?

5 A Yeah, dishing out the food, uh-huh.

6 Q They help with clean up in the kitchen?

7 A Yeah.

8 Q And the detainee workers, I mean they clean throughout the  
9 facility; is that right?

10 A Uh-huh, yes.

11 Q They do the living areas, correct?

12 A Yeah.

13 Q I mean, I guess I could rattle off a big list, right?  
14 They do the showers?

15 A Yep.

16 Q They do the toilets?

17 A Yes.

18 Q The sinks?

19 A Yes.

20 Q The floors?

21 A Yes.

22 Q The recreational area?

23 A Yeah, we already talked about that.

24 Q We did. The barbershop?

25 A They clean in the barbershop.



1 Q Okay. They do the laundry; is that right?

2 A Yes.

3 Q I mean, they pick up the dirty laundry from the living  
4 areas, right?

5 A Uh-huh, yes.

6 Q They wash it?

7 A Yes.

8 Q They fold it?

9 A Yes.

10 Q The detainee workers, they cut hair inside the facility,  
11 right?

12 A Yes.

13 Q We talked about the painting. We know they paint, right?

14 A Yes.

15 Q Everything that I have just described, I mean, these are  
16 important contributions to keeping the Northwest Detention  
17 Center running, correct?

18 A Well, like we talked about before, it would happen  
19 regardless of whether the detainees did it or not. They are  
20 all pretty standard for the industry, so whether it is this  
21 place or prisons or jails, all of that stuff needs to get  
22 done and so it does get done.

23 Q That's right. It is important work that needs to get  
24 done, correct?

25 A Yes.

1 Q The detainee workers make an important contribution to  
2 maintaining the Northwest Detention Center, correct?

3 A Yes.

4 MR. WHITEHEAD: Thank you, sir.

5 Your Honor, pass the witness.

6 CROSS-EXAMINATION

7 BY MS. SCHEFFEY:

8 Q Good afternoon. Can you hear me, Mr. Johnson?

9 A I can.

10 Q Wonderful. Okay. So how long have you been at the  
11 Northwest ICE Processing Center as an employee?

12 A Just over 12 years. April of 2009, like I said before.

13 Q Did you overlap with Officer Tracy?

14 A Yeah, I think he got hired a little after me, but almost  
15 the same time.

16 Q Were you ever Officer Tracy's direct supervisor?

17 A I was.

18 Q Did you supervise him differently than you supervise  
19 detainees?

20 A No.

21 Q No?

22 A I mean, you know, I would give him direction and I  
23 wouldn't have to micromanage him, you know, or follow up as I  
24 would with detainees, so in that case, yeah, I would  
25 supervise him different.

1 Q Did Officer Tracy have the same schedule as the detainee?

2 A No.

3 Q How was it different?

4 A It would depend based on the needs of the shift, sometimes  
5 he had to come in early, sometimes he had to stay late,  
6 sometimes an event would happen and he would have to stay  
7 late, sometimes it was planned or unscheduled.

8 Q Did Officer Tracy have the same performance requirements  
9 as a detainee?

10 A No.

11 Q How were they different?

12 A Officer Tracy was in charge of life, safety and the  
13 security and safety of the detainees and the facility, the  
14 other staff. The detainees are just worried about, you know,  
15 their living areas, some of them were just worried about  
16 themselves.

17 Q You talked a little bit about your work in the pods on  
18 graveyard. Can you describe to me what the pod looks like?

19 A So, yeah, it is -- you know, I guess they are kind of like  
20 rectangular or square. Depending on which unit, you know,  
21 they have eight cells on the lower tier, eight cells on the  
22 upper tier, or 20 cells on the lower tier and 20 cells on the  
23 upper tier. They are pretty compact. They are always two  
24 stories, two tiers.

25 Q Are all of the units -- housing units cell style or is

1     there another style as well?

2     A    No, so all the units -- some of them are cells, then some  
3     are open bays, just like bunks, but two tiers.

4     Q    How is it determined which style housing unit a detainee  
5     is placed in?

6     A    For the most part, usually just random, wherever we are  
7     housing people at the time to keep the head counts similar,  
8     or they do house people in the open bays due to like a mental  
9     health request or medical need.

10    Q    You talked about safety and security a lot in your  
11    testimony. Does safety and security have anything to do with  
12    where any people are housed?

13    A    Yes.

14                 MR. WHITEHEAD: Objection, leading.

15                 THE WITNESS: Yes.

16                 THE COURT: The answer may stand.

17    BY MS. SCHEFFEY:

18    Q    What does it have to do with safety and security?

19    A    We had to keep people who potentially could be abusers  
20    away from victims. There is gang members. We have to keep  
21    those away from the non-gang members. It is based on  
22    criminal history, too. It is a custodial environment so you  
23    are putting -- you know, you are mixing several different  
24    people without completely honestly knowing them, so you go  
25    based on the best information and you have to house them

1 accordingly.

2 Q When it comes to the voluntary work program, is there  
3 anything you have to take into account when deciding who can  
4 participate in which --

5 MR. WHITEHEAD: Objection, leading.

6 THE COURT: He may answer.

7 THE WITNESS: Yeah, that is also taken into account.  
8 The higher custody detainees don't get to move around the  
9 facility and mix -- potentially mix with, you know, the other  
10 lower custody. That is for their safety and everyone else's.  
11 They are stuck, you know. Their options are to work inside  
12 the unit, volunteer for one of those jobs.

13 BY MS. SCHEFFEY:

14 Q Is that something you have to take into account when you  
15 were supervising GEO officers, keeping certain officers away  
16 from others?

17 A No, any GEO officer could go to any post.

18 Q I think you talked about cleaning the floors. Do you  
19 remember that?

20 A Yeah.

21 Q How often or how frequently do detainees strip and wax the  
22 floors?

23 A It was pretty infrequent. So I don't know, every other  
24 month. Four times a year maybe.

25 Q Compared to the positions in the pod, which is more

1 frequent, the tasks in the pod or stripping and waxing the  
2 floors?

3 A No, the tasks in the pod are every day. They are just  
4 basic, you know, like life activities. The trash would build  
5 up, it needs to be taken out. People make messes while they  
6 are eating, it needs to be cleaned up, stuff like that.

7 Q Is there a pod porter position for taking out the trash?

8 A Yeah.

9 Q Is that all that individual does as part of the voluntary  
10 work program?

11 A No, I believe they do other stuff as well, but that's one  
12 of the jobs.

13 Q What would that pod porter do? What would be the scope of  
14 their tasks?

15 A The cleaning, wiping down the tables, counters, sweeping,  
16 taking out the trash, mopping the floors.

17 Q About how long does that usually take?

18 A Not very long, 15 to 20 minutes.

19 Q What happens if no detainee volunteers, how does that get  
20 done?

21 A Officers would do it, we would do it. I have done it.

22 Q Have you done it on more than one occasion?

23 A Yeah, I have done it multiple occasions.

24 Q Is it hard?

25 A Nope.

1 Q Do you mind doing it?

2 A No, I don't mind doing it. Even during COVID now, we have  
3 been cleaning more, you know.

4 Q When you say "we," who are you talking about?

5 A Me and the other officers, some of the detainees have kind  
6 of refused to clean. I don't know. I am not sure why. So  
7 we have a new checklist that we have to fill out and document  
8 our times in the cleaning and stuff. We are cleaning more  
9 than we used to due to the pandemic.

10 Q I think you also talked about painting. Are there  
11 maintenance staff at the facility?

12 A Yes, there are.

13 Q Do they do painting?

14 A Yes, they do.

15 Q Okay. Are there detainees who express interest in  
16 painting?

17 A Yeah, they do.

18 Q I think we also talked about the murals. If we could pull  
19 up Exhibit 474. Who painted the mural in 474?

20 A That was a detainee. I don't know specifically the name.  
21 I think they kind of sign or autograph the corner of it. I  
22 don't remember specifically which detainee did it.

23 Q Have you heard detainees discuss painting the murals?

24 A Yeah. Some of the more artistic ones would like to paint  
25 new murals.

1 Q Do you have an opinion about whether they enjoyed doing  
2 it?

3 A I think they enjoyed doing it, otherwise they wouldn't  
4 sign up to volunteer or inquire whether they could do it.

5 Q If they didn't participate in the voluntary work program,  
6 what would they do all day?

7 A They would just stay in their units or go to their  
8 appointments.

9 Q Are there any other activities other than participating in  
10 the voluntary work program?

11 A Yeah, they have recreation, law library. They have  
12 tournaments inside the units like dominos and spades.

13 Q Tell me about the tournaments, how do those work?

14 A I think it is over the weekend, like a Friday, Saturday,  
15 Sunday thing. Yeah, they form their own teams. Some are  
16 individual and some are like partners. They just compete.  
17 There is like basketball, spades, dominos, I think there is  
18 chess. Just depends on what the detainees in the unit want  
19 to play. They issue prizes for like first, second and third,  
20 I believe.

21 Q Who gives the prizes?

22 A GEO does. Comes through the recreation specialist.

23 Q How often are the tournaments?

24 A Every weekend. Every week.

25 Q What about movies, do you play movies for detainees?



1 A Yes, everyday.

2 Q Do detainees participate in the tournaments and watching  
3 movies?

4 A Yeah, the detainees can actually request which movies are  
5 played.

6 Q We wanted to talk to you about the recreation cleaner  
7 position. Can you tell me what they do?

8 A They, you know, just sweep up, pick up any trash out in  
9 the rec yard, clean the bathroom and sink, the toilet and  
10 sink and empty the trash.

11 Q When you talk about the rec yard, what does it look like,  
12 what is it?

13 A There is an outside space and inside space. The outside  
14 space, it has a really tall fence but it is outdoors,  
15 completely outdoors, not covered. It has a paved basketball  
16 court, a paved area that has workout bikes and other kind of  
17 equipment you can use. There is like a soccer field with  
18 turf, grass and goals and stuff.

19 Q Other than the recreation position, what are the other  
20 positions in the pod?

21 A There is food porter, juice porter. There is a laundry  
22 porter. They have a shower cleaner. That happens multiple  
23 times a day. They have like the pod cleaner, a day shift  
24 one, swing shift.

25 Q About how long do each of those positions take?

1 A Usually only -- just depends. Ten to 20 minutes. Not  
2 very long.

3 Q Have you ever gone to classification and asked for a new  
4 voluntary work program position because you didn't want to  
5 clean something?

6 A Have I personally? No.

7 Q Do you know of anyone who has?

8 A As an officer? No, yeah.

9 Q What would happen if there was no voluntary work program?

10 A We would do more of the work. GEO would hire more  
11 officers or have an outside agency come in and do it.

12 Q Do detainees, in your experience, are they particular  
13 about who touches their things or who is in their bunk area?

14 A They are. Some don't like other detainees to be in their  
15 bunk area. They don't like living by other detainees. Yes,  
16 very personal about their space.

17 Q So do detainees ever clean up after themselves separate  
18 from the voluntary work program?

19 A Yeah, a lot of the time, yeah, they keep their areas  
20 clean, they wax their own areas. They, you know, they take  
21 care -- sometimes they take care of like the whole upper  
22 tier, depends where they live, it is more than their area,  
23 the larger area.

24 Q Do you know if it was GEO or ICE who created the voluntary  
25 work program?

1 A I believe ICE, through the Performance-Based National  
2 Standards, PBNDS.

3 Q What is your opinion on why the voluntary work program  
4 would be in the detention standards?

5 MR. WHITEHEAD: Objection, well outside the scope of  
6 the direct at this point.

7 THE COURT: Sustained.

8 BY MS. SCHEFFEY:

9 Q Do you have an opinion on why detainees volunteer for the  
10 voluntary work program, even though it only pays a dollar a  
11 day?

12 A Gives them something to do. Helps pass the time. They  
13 want to do it.

14 Q Do -- when the voluntary work program positions are being  
15 created, is there any focus on efficiency?

16 A No.

17 Q When you were a supervisor, did you try to be efficient  
18 with your staff?

19 A Yeah.

20 Q How do you feel about working --

21 A Something -- I didn't hear that completely.

22 Q How do you feel about working with detainees?

23 A I don't mind it. I am a people person so I like being  
24 around people, talking, hearing their story, working with  
25 others.

1 Q Do you hand out toiletries in your unit?

2 A We do, yes.

3 Q What are they?

4 A Well, like I spoke earlier, we have the shampoo that is in  
5 the showers, the hypoallergenic body wash shampoo. We also  
6 hand out toothpaste, toothbrush, bar soap. We have razors  
7 that you can check out, lotion. All the basic toiletries.

8 Q Do you charge detainees for those?

9 A No, those are provided free of cost.

10 MS. SCHEFFEY: I have no further questions.

11 REDIRECT EXAMINATION

12 BY MR. WHITEHEAD:

13 Q Mr. Johnson, you were asked a question along the lines of  
14 what would happen if the detainee workers were removed from  
15 the equation. Do you remember that?

16 A Yes.

17 Q You mentioned there might be a need to hire additional  
18 people to do the work, correct?

19 A Yes.

20 Q And as it stands, you are already working eight to 20  
21 hours a week in overtime; is that right?

22 A Yes.

23 Q Because there is a need for work and that is with the  
24 detainee workers, correct?

25 A I don't necessarily think it is due to the need in work.

1 It is hard to get hired for this type of job. It is not a  
2 regular job. You can't do certain things. So it is more  
3 selective. Plus, you are subject to a background check and  
4 passing. So that excludes a lot of people.

5 Q You mentioned that it is your belief the detainee workers  
6 need something to do. That is why they work; is that right?

7 A I believe I said they wanted something to do. I don't  
8 know that they need something to do.

9 Q They wanted something to do. You mentioned a number of  
10 recreational options. I think you said something about  
11 playing dominos; is that right?

12 A Yes.

13 Q Spades?

14 A Yes.

15 Q I think you said something about the option to watch  
16 movies?

17 A Yes.

18 Q So these are recreational activities on the one hand that  
19 someone can choose to do. On the other hand, we have jobs in  
20 the detainee worker program; is that right?

21 A Yes.

22 Q So we have movies over here on the left, and then we have  
23 cleaning toilets on the right. Are you with me?

24 A Yeah, I wasn't sure if that was a question.

25 Q My question is: Are you with me? What I am setting out

1 is the contrast, you have the fun of watching movies on the  
2 one hand and you have cleaning toilets and feces-filled  
3 underwear in the laundry on the other. My question is:  
4 Isn't it the case that the detainee workers take part in the  
5 worker program because they need the money?

6 MS. SCHEFFEY: Objection, argumentative.

7 THE COURT: He may answer.

8 THE WITNESS: I don't know if they need the money.  
9 Some people do it to earn money. Just because you work  
10 doesn't mean you don't get to participate in the other items,  
11 you know, like dominos or games or watch the movies. They  
12 replay the movies several times, the same movie, so just  
13 because you are working doesn't mean you miss out on the fun  
14 stuff, as you said.

15 BY MR. WHITEHEAD:

16 Q GEO is more than happy to use the detainee workers for  
17 their labor, correct?

18 MS. SCHEFFEY: Objection, argumentative.

19 THE COURT: Sustained.

20 BY MR. WHITEHEAD:

21 Q GEO uses the detainee workers for their labor, correct?

22 A For their labor? I think GEO uses them because it is  
23 allowed per the ICE contract and the PBNDS, that's why they  
24 use them.

25 Q So your answer to my question is yes?

1 A My answer to the question is they use them because it is  
2 allowed per the contract.

3 Q So GEO uses the detainee workers inside the facility to  
4 perform various janitorial functions and the other tasks that  
5 you testified to earlier, correct?

6 A Yes.

7 MR. WHITEHEAD: Thank you, sir.

8 THE WITNESS: Thank you.

9 THE COURT: Anything further of this witness? All  
10 right. Thank you, Mr. Johnson. You may be excused.

11 THE WITNESS: Thank you, sir.

12 THE COURT: Next witness.

13 MR. WHITEHEAD: At this time, we call Michael Heye.

14 THE COURT: Tyler, are you finding the witness?

15 THE CLERK: The witness has not signed in yet.

16 MS. SCHEFFEY: I just pinged him so he should be on  
17 Zoom.

18 THE CLERK: Your Honor, he is on his way in right  
19 now.

20 THE COURT: Here we are.

21 Mr. Heye, will you raise your right hand and be sworn.

22 MICHAEL HEYE,

23 having been sworn under oath, testified as follows:

24 THE COURT: Thank you. You may inquire.  
25

## 1 DIRECT EXAMINATION

2 BY MR. WHITEHEAD:

3 Q Good afternoon, Mr. Heye.

4 A Hello.

5 Q Who do you currently work for, sir?

6 A The GEO Group.

7 Q You are a classification officer at the Northwest  
8 Detention Center. Do I have that right?

9 A Yes.

10 Q One of your responsibilities as a classification officer  
11 is the detainee worker program, correct?

12 A Correct.

13 Q Sir, will you answer my questions today about the  
14 important role you play with respect to the detainee worker  
15 program?

16 A Yes.

17 Q You started as a pod officer. Do I have that right?

18 A Yes.

19 Q You worked in that role from 2004 to 2007?

20 A No.

21 Q No? What were the dates you worked as pod officer?

22 A All the way until 2 -- well, 2007, yes, and then I moved  
23 around to intake, but still considered a pod officer as well.24 Q Well, as a pod officer, you had firsthand experience  
25 directing and supervising detainee workers; is that right?



1 A I observed detainees in my pod, yes.

2 Q You trained detainee workers on how to do their job?

3 A We showed them how to sweep and mop, if that was their  
4 assignment that they had, yes.

5 Q You gave them the necessary supplies they needed to do  
6 their jobs?

7 A Yes, we check out supplies and return them back to the  
8 janitor closet because we had to keep track of all the  
9 supplies that we would hand out.

10 Q And it was your expectation that the detainee workers  
11 follow their specific work duties, correct?

12 A Work duties? The detainees that had certain assignments,  
13 they did them, yes.

14 Q It is not a trick question, sir. We know they have jobs  
15 and they have job descriptions. My question to you is  
16 whether it was your expectation they follow their specific  
17 work duties?

18 A Correct.

19 Q And if a detainee worker did an incomplete job, you would  
20 direct him to finish their work, correct?

21 A If an assignment was not completed, I would ask them to  
22 finish the assignment, yes.

23 Q This was as a pod officer, what we just talked about,  
24 correct?

25 A As a pod officer, yes.

1 Q At some point, we know you became a classification  
2 officer. When was that?

3 A Roughly December 2009, I think it was.

4 Q You have been a classification officer ever since; is that  
5 right?

6 A Yes.

7 Q Until recently, you were one of two classification  
8 officers at the Northwest Detention Center, correct?

9 A Yes.

10 Q The other being Alisha Singleton?

11 A Yes.

12 Q Now, you and Ms. Singleton, you were co-equals within the  
13 classification department; is that right?

14 A Yes.

15 Q You carried out the same functions?

16 A Yes.

17 Q Part of your responsibilities as a classification officer,  
18 that was the worker program; is that right?

19 A Yes, worker program.

20 Q Now, at some point you conducted an analysis of how long  
21 it takes, on average, to complete various detainee worker  
22 program assignments; is that right?

23 A Yes.

24 Q That was in 2017?

25 A Yes.

1 Q Someone in administration asked you to complete this  
2 analysis; is that right?

3 A Correct.

4 Q Perhaps Ryan Kimble, does that sound right?

5 A I believe so.

6 Q You looked at how many assignments were available in the  
7 worker program facility-wide; is that right?

8 A Yes.

9 Q And how long it took to complete the various shifts,  
10 correct?

11 A It was an approximation, yes.

12 Q You recorded your findings down on a spreadsheet; is that  
13 right?

14 A I did.

15 Q The information you recorded was information you collected  
16 from people with knowledge about the detainee worker shifts?

17 A Yes.

18 Q And your goal in creating the spreadsheet was to be  
19 accurate?

20 A As close as I could, yes.

21 Q The spreadsheet was made in the normal course of business,  
22 correct?

23 A Yes.

24 Q It was kept in the normal course of business?

25 A Yes.

1 Q Sir, I would like to show you Exhibit 20. I am hoping it  
2 is one my office mailed to you. Do you have a packet of  
3 documents in front of you right now?

4 A I don't have a packet that has my name on it.

5 MR. WHITEHEAD: Ms. Scheffey, Ms. Mell, are you able  
6 to help Mr. Heye access the Box folder in Exhibit 20? Thank  
7 you.

8 THE COURT: Is anyone getting the witness the  
9 exhibits?

10 MS. SCHEFFEY: I believe Ms. Mell is working on it.

11 It seems, Jamal, we have two for Mr. Tracy, and I am going  
12 to open one of these and see if one is Mr. Heye's.

13 MR. WHITEHEAD: Exhibit 20, just the one pager.

14 MS. SCHEFFEY: I don't see it in here. I am going to  
15 have someone print it and give it to him right now.

16 BY MR. WHITEHEAD:

17 Q You have been handed Exhibit 20. Please take a look at  
18 the document. My question to you is this: Is this the  
19 spreadsheet you testified to moments ago about your analysis  
20 of the detainee worker average hours?

21 A Yes.

22 MR. WHITEHEAD: Your Honor, we offer Exhibit 20 into  
23 evidence.

24 MS. SCHEFFEY: No objection.

25 THE COURT: 20 may be admitted.

1 (Exhibit 20 was admitted.)

2 MR. WHITEHEAD: Permission to publish, Your Honor.

3 THE COURT: Yes.

4 BY MR. WHITEHEAD:

5 Q Feel free to look at the hard copy version in front of you  
6 on Exhibit 20. You can also follow along on your screen. I  
7 have some questions for you about Exhibit 20. I would like  
8 to look at the first column heading there at the top left  
9 that says "pod," and then underneath that we have a bunch of  
10 alphanumeric references. The heading "pod," those refer to  
11 the living pods within the Northwest Detention Center,  
12 correct?

13 A Yes.

14 Q In the middle of the page, perhaps we could get a  
15 highlight, it says "outside detail"?

16 A Yes.

17 Q To the left we have a number of notations there. "Kit  
18 BK," is that kitchen breakfast?

19 A Yes.

20 Q "Kit" L, that is kitchen lunch, correct?

21 A Yes.

22 Q "Kit D," that is kitchen dinner?

23 A Yes.

24 Q Looks like the rest of the names perhaps are  
25 self-explanatory, medical, Grey Mile, barber. "OSR," what is

1 that?

2 A Outside rec.

3 Q What we see in the first column with the pods and  
4 continuing on with the left column on the outside detail,  
5 these are all different work locations or jobs within the  
6 Northwest Detention Center for the detainee workers, do I  
7 have that right?

8 A Yes, back then when I did it, these were the different  
9 assignments in each unit or how many there were in each unit  
10 or in each outside detail.

11 Q I think maybe you are talking about the second column  
12 there, the column that says "worker." Do you see that?

13 A Yes.

14 Q That is the total workers that could be scheduled at a  
15 time into any given job; is that right?

16 A Yes.

17 Q All right. Then we see a third column there that says  
18 "hours." Do you see that?

19 A I do.

20 Q So looking at the pods, we see an estimate of .5, that is  
21 30 minutes for the pod work; is that correct?

22 A Yeah, that was an average of what it would take for each  
23 individual assignment. Some are a lot less than that. It  
24 would be for some of the assignments, some of them would take  
25 maybe up to half hour.

1 Q Right, that's because the pod jobs, they range. We have  
2 heard testimony about the various roles within the pods, but  
3 your analysis, based on your investigation, was that these  
4 job averaged about a half hour, correct?

5 A Roughly. I gave it a little more. I just averaged it out  
6 to about a half hour.

7 Q Okay. Maybe a little bit more.

8 A A lot less.

9 Q Okay. We see the "outside detail." So for kitchen  
10 breakfast, for example, you have an estimate, based on your  
11 analysis and investigation, that it was 4.5 hours for the  
12 kitchen breakfast shift. Did I read that correctly?

13 A Yeah.

14 Q Your investigation and analysis led you to believe it was  
15 six hours for lunch, correct?

16 A Yeah, only four. It is not six. Dinner is only four  
17 also. Each of the kitchens is max four hours.

18 Q Okay.

19 A I would have to revise what I have done.

20 Q Well, just taking a sort of big picture with this document  
21 here, Exhibit 20, you didn't just make these numbers up, did  
22 you?

23 A No, I talked to the kitchen. Six hours was overdoing it.  
24 It was more like four. Rough estimate that they wanted.  
25 They just wanted something to get a visual about how many

1 hours or how much time people would be doing an assignment in  
2 a specific area.

3 Q So my point, though, you didn't make these numbers up.  
4 For the kitchen, for example, you called to the kitchen and  
5 spoke with someone that would be knowledgeable about kitchen  
6 work; is that right?

7 A I believe I did. Some of this stuff I did on my own  
8 because I was pod officer. I know kitchen lunch isn't six  
9 hours. I don't know why I had six. I know it is only four.

10 Q Your goal in creating Exhibit 20, it was to be as accurate  
11 as possible; is that right?

12 A To give them a rough estimate, yes. Wasn't specifically  
13 for accuracy. It was a general assumption of what it would  
14 be. They said throw something together for me, so I threw  
15 something together for them.

16 Q "They" being Ryan Kimble?

17 A Ryan asked me to throw something together for him.

18 Q Let's take a look at the bottom of Exhibit 20. You have  
19 average hours. Perhaps we can get a call out on that?

20 A Okay.

21 Q At the end of your investigation and analysis, you  
22 concluded it was 1.72 hours was the average detainee worker  
23 shift; I understand this is facility-wide, but that was your  
24 conclusion, correct?

25 A According to the numbers, how it came out, yes.



1 Q We can clear the call out. I hope everyone can see the  
2 1.7. Got a little blocked on my screen.

3 I asked you about this document during your deposition.  
4 I asked you a question about whether your analysis was  
5 accurate at the time you created the document. Do you  
6 remember that question?

7 A The deposition two years ago?

8 Q Yes, it was awhile ago.

9 A Yeah. No. What was my answer?

10 Q Your answer was that you had no reason to dispute the  
11 accuracy of any of the data as of the time it was recorded  
12 back in 2017. Does it sound like your response?

13 A Sounds like me, yeah.

14 Q Thank you, sir.

15 MR. WHITEHEAD: No further questions.

16 CROSS-EXAMINATION

17 BY MS. SCHEFFEY:

18 Q Mr. Heye, can you hear me?

19 A Yes.

20 Q Perfect. Okay, I want to back up and talk about what is a  
21 classification officer?

22 A Classification, when detainees come into our facility, I  
23 get their -- a packet from ICE that has their criminal  
24 history on it and their immigration history and we go through  
25 and read that and then put it on a classification form. I

1 fill that out. It gives me a number down at the bottom that  
2 we can separate them according to levels, and there is four  
3 different levels. There is a blue, green, orange and red.  
4 Also, we go by gang affiliation as well. That way, depending  
5 on what level they are is depending -- and if there is gang  
6 affiliation, depends on what housing unit they will go into.  
7 Also, any detainees, if they are a red detainee, high level  
8 detainees are only allowed to have an assignment inside the  
9 pod. They are not allowed to have an assignment outside the  
10 unit.

11 Q That was a lot. I am going to break it down if that's  
12 okay because maybe the jury and I don't know as much as you  
13 do. There is four levels, what are the four levels?

14 A Blue level is low level. Green is low to like a moderate.  
15 Orange is moderate to high. Red level is a high level. High  
16 level detainees have a criminal history, like they have been  
17 in prison for quite a while for various reasons. The low  
18 level detainee like a blue will have no criminal history or  
19 maybe one DUI, then the orange are in between, the greens are  
20 somewhat lower than that.

21 Q Who gives you the direction of how to classify these  
22 people?

23 MR. WHITEHEAD: Your Honor, objection. I limited  
24 Mr. Heye's examination to his work in the voluntary work  
25 program, not as relates to classifications. All of this is

1 outside the scope of direct, and I would ask counsel to save  
2 this part for GEO's case.

3 MS. SCHEFFEY: Your Honor, I would say he testified  
4 that he was a classification officer. I am getting a sense  
5 of his job, what portion is which.

6 THE COURT: I think this is within the scope, and the  
7 objection is overruled.

8 BY MS. SCHEFFEY:

9 Q Do you remember the question, Mr. Heye?

10 A Say that again.

11 Q Do you remember the question that was pending?

12 A No, go ahead. Say the question again.

13 Q I was asking you who gives you the direction about who to  
14 place in low classification versus high classification?

15 A The PBNDS lays out which is low, moderate and high,  
16 depending on the criminal history. We have a scale on high  
17 level offenses to moderate offenses to low level offenses.

18 Q So remind me again, who writes the PBNDS?

19 A ICE is the PBNDS that we go by.

20 Q So what percentage of your job is classification?

21 A I would say roughly half of it is classification and the  
22 other half is the worker program.

23 Q Does the classification side have anything to do with your  
24 worker program job?

25 A Yes. If the detainee cannot be classified because we

1 don't have enough information from ICE, then they can't join  
2 the worker program until that has been completed. If the  
3 detainee is a red, they can only work in the unit, they  
4 cannot work outside the unit. We also, for security reasons,  
5 they cannot mix males and females so certain assignments are  
6 designated for males only and others for females for security  
7 reasons.

8 Q So when you say they can't mix males and females, are you  
9 talking about just in the voluntary work program or is that  
10 broader than that?

11 A No, the whole facility. If any males are out on the floor  
12 going from one unit to another -- not one unit, from one  
13 place to another, no females can be out on the floor and  
14 vice versa. We only have male units and strictly female  
15 units. There is no mixes.

16 Q When you say "on the floor," are you talking about the  
17 hallway we saw a picture of earlier?

18 A The Grey Mile. We call it the Grey Mile. Anybody out on  
19 the Grey Mile. Also in medical or any visitation or intake,  
20 they cannot mix at all ever. When they book in, they are  
21 booked in separately and they are placed in different cells  
22 as well as different units.

23 Q Would it be likely that a female detainee would observe  
24 male detainees in the voluntary work program?

25 A No. Well, the only time anybody would see each other is

1 in intake, pretty much. They are in different cells, but at  
2 times you can see a female walking out of intake while males  
3 are in cells or vice versa.

4 Q Would they see each other in the hallways?

5 A No, they would not see each other in the hallways. They  
6 are not supposed to see each other in the hallways because  
7 they are all separated each time. From when I have been a  
8 pod officer and been on the floor, they have not been able to  
9 see each other.

10 Q So let's talk about the voluntary work program. What is  
11 your responsibility when it comes to that?

12 A Mine is to take kites in from detainees that ask for an  
13 assignment to do something so that they are not idle. The  
14 whole point of the worker program is to allow detainees to  
15 have something to do while they are there and not be idle.  
16 That's part of the worker program in the PBNDS so they don't  
17 get stir crazy inside, they have something to do and they are  
18 not bored. I have detainees when I do my rounds delivering  
19 paperwork and stuff, they come up to me and ask me for  
20 multiple jobs. They say that you don't even have to pay me,  
21 I just want to do something. I have -- I tell them you can  
22 only have one assignment. It is policy per the PBNDS. If  
23 they have more than one assignment, then other detainees,  
24 because you only have so many allowed, somebody else would  
25 then not be able to volunteer at the time. They have to be

1 on a waiting list and wait for an assignment that comes up.

2 Q You said another word in there, "kite." What is a kite?

3 A Electronic kite or paper kite. Those are how they  
4 communicate to us. There is -- inside the units there is  
5 tablets that they can ask or request for assignments. They  
6 can request for classification reassignment. They can ask  
7 anything. They can kite ICE. They can kite medical. They  
8 can request anything. That's what the kite system is for is  
9 for them to request different things.

10 Q Can you respond to a kite?

11 A Yes, we respond to a kite. We can tell them we either  
12 need more information or I can say if they are requesting to  
13 work in the kitchen, they have to be cleared by medical  
14 first. I would respond back to them that I have received  
15 your kite, processing it through medical. Will give a  
16 response within a week. Sometimes it takes a week for  
17 medical to clear them, sometimes it takes a couple weeks,  
18 depending on how long they have been in the system.

19 Q So when you receive a kite, what do you do with it?

20 A I receive the kite, if they are like in Alpha 1 unit, they  
21 are saying that I want to work in my unit that I am in, I can  
22 look at a roster that I have in there and see if there is any  
23 available positions and/or the pod officer, they will go up  
24 to the pod officer and say, hey, how do I apply for the  
25 worker program or how do I work in the unit or in the

1 kitchen? The pod officer can let them know if there is an  
2 assignment right away and they can get them started right  
3 away, or if the unit is full and they can be put on a waiting  
4 list that I have in my -- on my computer, and then on  
5 Tuesdays and Fridays, I hand out new rosters to all the units  
6 so that the officer in there knows which detainee is doing  
7 which assignment.

8 Q When you get a kite, do you ask for a resume to know what  
9 the person's skills are?

10 A No. Anyone can have an assignment.

11 Q Do you place detainees in positions based on their skills?

12 A No. They can request any assignment.

13 Q Do you ask for references?

14 A I do not.

15 Q Is it your responsibility to figure out how to put all of  
16 these detainees in positions they want while also considering  
17 the classification issues that you talked about?

18 A Yes, I run both things at the same time. I'll answer  
19 classification kites and worker program kites at the same  
20 time. The detainees do not have to have any kind of  
21 experience whatsoever. The officers in the pods can show  
22 them, as well as the kitchen has their own training. Any of  
23 the jobs -- pretty much most of the jobs that are in there  
24 are sweeping, mopping, and there is like a shower job in  
25 there. There is trash, or serving trays in the pod. There

1 is nothing in there or any of the assignments that we have  
2 that is, how do I put it, difficult or can't be trained right  
3 there on the spot to do.

4 Q Do you help come up with the scope of the tasks that are  
5 in the voluntary work program?

6 A No. Those were already preset when I started the worker  
7 program.

8 Q Okay. Do you have any control over how many detainees  
9 volunteer any given day?

10 A I do not.

11 Q Okay. Is the voluntary work program designed to be  
12 efficient?

13 A Yes, I have created it that way.

14 Q Tell me about that?

15 A All the pod paperwork and stuff was done by hand. The  
16 officers would write the detainee's name, the numbers down  
17 and have them sign after they completed their task. I have  
18 put everything on a spreadsheet now and made it to where I  
19 can hand out paperwork with the detainee's name and A number  
20 prefilled out on the forms. That way, when I get them back I  
21 can see what is printed on there instead of handwriting from  
22 each officer or detainee. Makes it easier to read and helps  
23 me keep track of who is where and who is doing what, and also  
24 if they have switched units, because detainees will move to a  
25 different unit if they request and that helps me know which



1 unit they have gone to.

2 Q Have you ever been told to create more positions to save  
3 GEO money?

4 MR. WHITEHEAD: Objection, leading.

5 THE COURT: Sustained.

6 BY MS. SCHEFFEY:

7 Q Have you ever received any instructions about creating  
8 more positions?

9 MR. WHITEHEAD: Same objection.

10 THE WITNESS: No.

11 THE COURT: Well, the answer may stand.

12 BY MS. SCHEFFEY:

13 Q How did you determine how many positions should be in the  
14 voluntary work program?

15 A That was already set up before I was in there.

16 Q How long do most tasks take to complete?

17 A In the units, it is anywhere from ten minutes, maybe 15  
18 minutes. Some of them take up to half an hour.

19 Q Before you were in classification, how long were you a pod  
20 officer?

21 A I was pod officer for five -- it is rough. I was a pod  
22 officer, intake, back to pod officer again. It switched back  
23 and forth. For the first -- from 2004 when I started until  
24 2009 when I became a classification officer, I was designated  
25 as pod officer, even though I would work at intake on

1 occasion or work in control or if they threw me in laundry to  
2 help out there, if the officer was on vacation. I moved  
3 around a lot.

4 Q Sounds like you have a lot to do. When you were in  
5 intake, did you give the orientation to detainees?

6 A Yes, I did.

7 Q Did you instruct detainees on anything about the voluntary  
8 work program?

9 A Yes. Any time the detainee would arrive in the facility,  
10 part of their orientation is to let them know there is a  
11 voluntary work program. We tell them it is strictly  
12 voluntary. You get paid one dollar a day and you don't have  
13 to volunteer if you don't want to.

14 Q How many times have you given that orientation?

15 A A lot. When I was in intake, we do it all the time.  
16 Pretty much every single day.

17 Q Do all detainees receive that orientation?

18 A Yes.

19 Q Do they also receive any of that information in writing?

20 A Yes.

21 Q When you were a pod officer, did you have to clean up the  
22 unit where you worked?

23 A Yes, I did.

24 Q How often?

25 A Depending. Not every day. But at least a couple times a

1 week when I was in there.

2 Q Was there anyone else who was helping clean up the unit  
3 who wasn't a voluntary worker who was assigned to one of  
4 those pod positions?

5 A I will have detainees that just wanted to do something.  
6 You can tell them, yeah, you can sweep and mop if you like.  
7 I am sweeping and mopping right now. Detainees would come up  
8 to me and ask for something to do, just to pass the time. I  
9 would have painting would be part of like a detail that is  
10 not actually in the worker program per se in the pod. It is  
11 one of those extra details that is not a full-time job,  
12 painting or waxing or buffing the floors. A group of  
13 detainees would get together and say, hey, we all want to wax  
14 the floor or we all want to buff the floor tonight. I can  
15 tell them, yeah, I can get all the stuff for you and we can  
16 set that up for the nighttime shift.

17 Q So when you are supervising the detainees who are  
18 participating in the program, what is that like?

19 A Well, I don't directly supervise. When you are in the  
20 pod, you are supervising everybody. You take rounds, meaning  
21 you walk around, talk with detainees. You will always have a  
22 detainee either sweeping the floor, mopping, or working in  
23 the shower, or they clean their own housing section where  
24 they sleep on their own. They will ask for spray bottles or  
25 a mop bucket, and then you will go and check it out of the

1 janitor closet and go give it to them. They will clean and  
2 take care of their own area. All you are doing is just  
3 walking around and monitoring the unit. You are not actually  
4 supervising them in what they are doing like being next to  
5 them and making sure that everything is done the way it  
6 should be. Just -- you just let them go and do what they  
7 normally do.

8 Q What happens if they don't do a good job?

9 A If we have a specific job like sweeping the floor after a  
10 meal, then if the -- if they say -- they come up -- if they  
11 come up and say they are done and they want to sign their  
12 name on the paper, you can look around, see the floor, see if  
13 it has been swept correctly -- not correctly. If it has been  
14 swept. You can tell if the floor has been swept. If it  
15 hasn't I'll go, hey, you actually didn't sweep the floor.  
16 Can you please sweep the floor? Either they will say okay,  
17 they will sweep the floor, or they say, nah, I am not  
18 interested. If they are not interested, you can say, here is  
19 a refusal form you can sign saying you didn't want to do the  
20 assignment you signed up for. They can sign it or they can  
21 do the assignment. If they sign the refusal form, then that  
22 gets sent in to the worker program and they can assign --  
23 they can ask if there is any detainees that are on a waiting  
24 list that want the assignment or the pod officer can go, does  
25 anybody want to take this assignment on? They can have

1 volunteers come up and say, yeah, I'll do it. Or if nobody  
2 does it, then later on the pod officer will sweep the floor.  
3 Q Okay.

4 THE COURT: Excuse me, Ms. Scheffey. It is time we  
5 took our afternoon break. We will reconvene in about ten  
6 minutes.

7 (Recessed.)

8 THE COURT: Everybody here ready to go?

9 THE CLERK: The jurors are ready.

10 THE COURT: Okay, bring them in.

11 (The following occurred in the presence of the jury.)

12 THE COURT: Okay. We are all here and ready. We  
13 will continue.

14 BY MS. SCHEFFEY:

15 Q All right, Mr. Heye, when we took our break, we were  
16 talking about refusal to work forms. Do you remember that?

17 A Yes.

18 Q If a detainee signs a refusal to work form, is there  
19 anything that stops them from signing up again at the end of  
20 the week?

21 A No.

22 Q Have you ever had a job where you could quit on Monday and  
23 come back on Friday?

24 A Me? No.

25 Q Have you ever had a job where someone else would do your

1 job for you if you just walked out?

2 A Yeah, no.

3 Q Okay. You also talked about how if someone decides they  
4 want to sign a refusal to work form, the officer may ask if  
5 anyone else in the pod wants to perform that task; is that  
6 right?

7 A Correct.

8 Q Have the detainees who that officer is asking if they want  
9 to participate seen what the volunteering would entail?

10 A Yes. Working in the pod, everybody sees what you are  
11 doing in there, all the detainees. The officer can sit at  
12 his desk and see the detainees working. Any detainee that is  
13 in the pod knows what the detainees are doing. A lot of  
14 times when the detainee is booking out or leaving, another  
15 detainee will say, hey, I want his position when he leaves,  
16 so they can -- what they will do is the pod officer can write  
17 his name down so when he leaves, the officer can go to the  
18 detainee and say, okay, you can volunteer for that position  
19 now.

20 Q Detainees, before they volunteer, have a good sense of  
21 what the jobs are; is that right?

22 A Yes.

23 Q I wanted to pull up Exhibit 20 if we could, which I think  
24 you looked at. Can you see that?

25 A Yes.

1 Q Okay. So in the "hours" column, what does that represent?

2 A That is just an average of what it would take inside of a  
3 unit or outside a unit, approximately how long it would be  
4 for the job, or the assignment, the job.

5 Q Okay. When you are talking about how long it would take,  
6 you are talking about how long a detainee would perform their  
7 voluntary work program assignment?

8 A Yes and no. Some of the pod ones are, yes. The outside,  
9 like kitchen or medical, the hours are there because of  
10 movement and detainees that are in the kitchen. They have a  
11 specific movement to go to the kitchen. Once they are there,  
12 they can do their assignment. During count, they are not  
13 doing their assignment for half hour or so. They are just  
14 sitting there waiting while we are doing count. Other times,  
15 they have to wait after the assignment has been done before  
16 we can get another movement for them to get back to their  
17 unit. Like I said, the hours on there is approximate. It is  
18 not even -- it is approximate. So if you say the breakfast  
19 was 4.5 hours, I would roughly guesstimate to say two and a  
20 half, maybe three they are actually working. The rest is in  
21 between movement and count times and other things that  
22 happen.

23 Q Okay. Does the 4.5 hour number in kitchen breakfast  
24 include a break time?

25 A Yes.

1 Q Does it include count time?

2 A Yes.

3 Q So is all of that productive time?

4 A No.

5 Q What about in laundry, is that four hours that you  
6 estimated all productive time?

7 A No.

8 Q What else is included in there?

9 A So when they go pick up laundry, bring it back, throw it  
10 in the washing machines, they have to wait for it to finish  
11 washing so you just are waiting for the washing machine to  
12 finish, take it out, throw it in the laundry -- or the dryer,  
13 wait for the dryer to finish, pull the laundry out, fold,  
14 stack, however that works. It is not strictly working the  
15 whole four hours. There is a lot of down time in between  
16 there as well.

17 Q Do laundry workers have a break for lunch or dinner or  
18 anything?

19 A Yes, if they are working during the daytime, they go back  
20 to their unit for lunchtime and come back into laundry after  
21 lunch is over with and finish up.

22 Q I see a notation of medical. I don't think I heard yet  
23 what you do in medical if you volunteer for that position.

24 A Medical wanted some female detainees to sweep and mop the  
25 floor in there. During the time the females go to medical is



1 like in between count time. They had females go to medical  
2 that wanted to participate in the worker program to sweep and  
3 mop medical or empty the trash cans that were in there.

4 Q About how long does that take?

5 A Yeah, that didn't take very long. Had on there maybe half  
6 hour, maybe less than that, just to sweep and mop the floor  
7 and empty the trash bag. The problem is you have to wait  
8 through count and you have to wait -- get there before and  
9 wait through count. If they finish, they sat on a bench and  
10 waited until count was over and go back to the unit after  
11 that.

12 Q Can you remind me, what is count?

13 A Count. Okay. The facility does five counts during the  
14 daytime, or during the 24-hour period. So all movement  
15 stops, all detainee workers stop and they count the whole  
16 facility. They do that five times a day, or five times  
17 within a 24-hour period so we can keep track of all the  
18 detainees, and we haven't -- nobody has left, escaped,  
19 however you want to say it. This is how we keep control of  
20 where the detainees are and also to keep everything --  
21 everybody safe and to know where everyone is at.

22 Q In the "worker" column here, if you can still see it, is  
23 that column intended to represent the fewest number of  
24 detainees, the most number of detainees, or something else  
25 that could participate in the program?

1 A Okay. So each unit has a maximum that has been set up.  
2 Like in Alpha 1, it says 19. You can have up to 19 in that  
3 unit. So Alpha 2, alpha 3 are up to 16. The kitchen can  
4 have up to 35. When our facility was full, we had roughly up  
5 to 35 at that time.

6 Q So are you trying to maximize the number of opportunities  
7 when you draft this?

8 A So when we did this, they are given as many opportunities  
9 for somebody to have something to do during their time here.  
10 So they have created, I guess it was ICE, wanted to make sure  
11 they would have a lot of positions so that they can give  
12 everybody an opportunity to do something if they wanted to.

13 Q For A-1, the 19 positions, could a pod officer complete  
14 all of them during their shift?

15 A Yes.

16 Q Would that interfere with their other duties?

17 A No, because they are walking around. Like when I was a  
18 pod officer, I could sweep and mop the floors, and you can  
19 still watch what was going on in the facility in your unit  
20 because you walk around and you talk with detainees when you  
21 are in there. When I was in my units, I would always walk  
22 around and talk and see what was going on to get a feel for  
23 my unit each day. And if they were playing cards or dominos,  
24 I would go say hi and see how things are going. They have  
25 also seen me sweep and mop the floor as well. When I have

1 done that, sometimes a detainee would come up and say, hey,  
2 let me give you a hand there as well.

3 Q I also see on here something that says "intake." What is  
4 that position?

5 A Intake is the same. Sweep and mop and trash and clean the  
6 windows?

7 Q It says that takes one hour to complete; is that accurate?

8 A If all the cells needed to be cleaned, maybe. Typically,  
9 we have detainees in certain cells so when they come down  
10 they can only clean cells that are empty at the time. They  
11 can have up to seven. Typically, we would have three or four  
12 that came down and would work in intake and then go back.  
13 The hour is because we have movements, certain times are  
14 movement, and certain levels can move at certain times. I  
15 give an hour as an estimate just to do what it would take  
16 inside intake and be able to get back and forth.

17 Q As the person in charge of the voluntary work program, do  
18 you ever get feedback from detainees about the program?

19 A Yes, I do.

20 Q What is the feedback you have received?

21 A When they go to units, I deliver paperwork. Detainees  
22 will come up to me and ask me if they can work in the  
23 kitchen, what requirements there are to work in the kitchen.  
24 They will come up and say, hey, I work in the pod, but I also  
25 want to work in the kitchen, I want to work the Grey Mile. I

1 want to keep myself busy while I am here. I have to tell  
2 them, well, PBNDS says you can only have one assignment per  
3 day. If they have multiple assignments, then other detainees  
4 will not be able to volunteer for that if they are taking  
5 multiple assignments. Per the PBNDS, they are only allowed  
6 to have one. I can understand that so the opportunity for  
7 everybody to volunteer is available for them.

8 Q Do you think detainees would miss the voluntary work  
9 program if it was eliminated?

10 A Yes, I do.

11 Q When you created that Exhibit 20, were you thinking about  
12 what you would do if you hired employees from the street?

13 A No, I was not. That was strictly based on detainees and  
14 how they work. When I was in the pod, detainees would -- you  
15 know, you are working. Some of them will try and go really  
16 fast just to get it done. Others will just sit there and,  
17 you know, doot-doot-doot, sweep the floor, mop the floor,  
18 they'll talk to their friends as they are going around, watch  
19 TV for a minute and then go back. It is not that you're on  
20 them and hounding them and trying to get them to get the  
21 stuff done right away. I let them -- you know, the floor  
22 needs to be swept, go ahead and take care of it whenever you  
23 feel like it. It wasn't like it is at this specific time at  
24 this specific moment that you have to do it. We have count  
25 in between, we have IMSs where things have to stop and things

1 can get taken care of later on.

2 Q I have one more question, IMSs, what is that?

3 A If there is a fight in the unit or if somebody has a  
4 medical problem and they have to stop all movement so they  
5 can get medical to the unit or they can -- they stop movement  
6 or if there is a fight where then the officers on the floor  
7 can all get to that unit. We can't have detainees on the  
8 floor at that time so they all get -- they clear the floor,  
9 how is that, so that the officers have control.

10 Q Is medical a GEO function?

11 A No, that is totally separate. That is PHS.

12 Q What is PHS, who runs that?

13 A Public health service. As far as I know, medical runs  
14 themselves.

15 Q Are they a branch of ICE?

16 A I don't think so, no.

17 Q All right.

18 MS. SCHEFFEY: I have no further questions.

19 THE COURT: Anything further?

20 All right, Mr. Heye, you may be excused. Thank you very  
21 much.

22 THE WITNESS: Thank you.

23 THE COURT: You may call your next witness.

24 MR. WHITEHEAD: Your Honor, plaintiffs call  
25 Bruce Scott.

1 THE COURT: Mr. Scott, if you will raise your right  
2 hand and be sworn.

3 BRUCE SCOTT,  
4 having been sworn under oath, testified as follows:

5 THE COURT: You may inquire, counsel.

6 MR. WHITEHEAD: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. WHITEHEAD:

9 Q Hello, Mr. Scott. You currently work for GEO, correct?

10 A Correct.

11 Q We met over a year and a half ago, I think it was at this  
12 point. I asked you a number of questions about the detainee  
13 worker program. Do you remember that?

14 A It has been awhile.

15 Q Well, that deposition was a special deposition because you  
16 were testifying on behalf of GEO, not just yourself. I  
17 explained it to you like this and you agreed about your role.  
18 Can we get clip 21, please. This is from the Scott 30(b)(6)  
19 deposition, Page 8, Line 15 through 21.

20 MS. SCHEFFEY: Is this a designated portion?

21 MR. WHITEHEAD: Yes.

22 (Video Clip 21 as follows:)

23 "Question: The deposition today is different than the  
24 deposition that you gave yesterday in that you have been  
25 designated by the GEO Group to testify on the company's

1     behalf about information known or reasonably known to GEO on  
2     certain subjects. Is that your understanding of why you are  
3     here today?

4             "Answer: Yes."

5             (Video Clip 21 ended.)

6     BY MR. WHITEHEAD:

7     Q     At the time of your deposition, you were the assistant  
8     facility administrator, do I have that right?

9     A     I do believe -- I can't remember. It was a year and a  
10    half ago. Year and a half ago, I was the assistant facility  
11    administrator.

12    Q     Since then, you have been promoted to the facility  
13    administrator, correct?

14    A     That is correct; February of this past year, I was  
15    promoted to the facility administrator.

16    Q     The facility administrator, that is the chief  
17    administrator for the facility, correct?

18    A     Wouldn't quite say it that way. The facility  
19    administrator for GEO. We do have an officer in charge who  
20    is the ICE person that is fully on over the contract and  
21    everything else, running the operation of the facility and  
22    the detainees.

23    Q     That's a good distinction to observe. Put another way,  
24    you are the top boss for GEO's Northwest Detention Center,  
25    correct?

1 A Well, I have a number of supervisors above me. I am the  
2 facility administrator of the Northwest ICE Processing  
3 Center.

4 Q I think this is a straightforward question. At the  
5 Northwest Detention Center, are you the top GEO officer?

6 A I am the top GEO employee at the Northwest ICE Processing  
7 Center.

8 Q All right. Well, sir, that makes you an important witness  
9 in this case. Will you answer my questions about the  
10 detainee worker program?

11 A I will.

12 Q Before we get underway, can I ask, have you heard any  
13 parts of the trial so far?

14 A I have.

15 Q In fact, you have been designated as a corporate  
16 representative for GEO; is that right?

17 A That is correct.

18 Q That means that you have listened to everyone testify so  
19 far. Do I have that right?

20 A Yes.

21 Q Well, let's start at the beginning. GEO entered into a  
22 large contract with ICE to house immigration detainees at the  
23 Northwest Detention Center. Do I have that right?

24 A We did. ICE put out a request for a proposal for a  
25 contract, and they asked for a number of services to be



1 completed. GEO was one of many companies that put in a bid  
2 for that. GEO won the bid to be able to perform the services  
3 for the United States Government.

4 Q That's right. Nobody forced GEO to get into business with  
5 the United States Government, correct?

6 MS. SCHEFFEY: Objection, argumentative.

7 THE COURT: Overruled.

8 THE WITNESS: Well, I don't know about that. I  
9 joined GEO in 2010. The contract was in operation well  
10 before my time.

11 BY MR. WHITEHEAD:

12 Q That bid that GEO submitted, that was a voluntary act on  
13 GEO's part, correct?

14 A Well, I am not part of the contracting portion of GEO so I  
15 wouldn't be able to speak to that.

16 Q You are familiar with the contract, though, correct?

17 A I am very familiar with the contract.

18 Q It is part of your job to be familiar with that contract?

19 A Yes.

20 Q It is a document that you review regularly, correct?

21 A Almost daily.

22 Q One of your go-to documents?

23 A Absolutely.

24 Q As with any contract, it includes the parties' promises to  
25 each other, would you agree?

1 A That's what a contract is.

2 Q That's right. That's what a contract is at the end of the  
3 day, a promise from one party to the other and vice versa, do  
4 you agree?

5 A That is a good way of putting it.

6 Q So in the ICE contract, GEO's basic promise was to provide  
7 detention management services to ICE. Would you agree with  
8 that?

9 A That is one of the many things in the contract. Detention  
10 management services is a big part.

11 Q And in terms of the detention management services, how  
12 long was the contract to run? From when to when?

13 A Oh, it was a large contract. Do we have it in front of  
14 us? There are many pages and amendments to the contract. If  
15 we have it, we can definitely flip through the pages and take  
16 a look at that.

17 Q It is a large contract. Let me ask you this: This figure  
18 you see on your screen, what is that number?

19 MS. SCHEFFEY: Objection. This isn't an exhibit. I  
20 don't know -- no foundation for this.

21 MR. WHITEHEAD: This is a demonstrative. If we were  
22 in your courtroom, I could write this number on a white  
23 board.

24 THE COURT: He may answer.

25

1 BY MR. WHITEHEAD:

2 Q My question is: What is this number you see on your  
3 screen?

4 A Very large number. That is what I see.

5 Q Does this number mean anything at all to you?

6 A I mean, if you are showing it to me, I am going to assume  
7 that you have it somewhere in one of the contract pages which  
8 I would really like to just get to the contract pages and  
9 take a look at them. We can clear it up a lot quicker than  
10 showing a number on a screen.

11 Q Well, sir, this is the maximum amount ICE has agreed to  
12 pay GEO over the life of the contract at the Northwest  
13 Detention Center; isn't that right?

14 A Well, again, sir, as you said, the contract goes both  
15 ways. If we look at the many pages of the multiple parts and  
16 amendments and task orders and modifications to a contract,  
17 it changes over time. I would not be able to sit here and  
18 tell you definitively, without looking at all of the  
19 documentation throughout the years and to determine a number.  
20 Every time a modification happens, there is a modification,  
21 so the overall end part of that contract changes.

22 Q You are the facility administrator for the Northwest  
23 Detention Center, correct?

24 A We established that.

25 Q Yep. You are the top GEO boss at the facility. We

1 established that, correct?

2 A I think I have answered that question.

3 Q All right. You are familiar with the operational issues  
4 at the facility?

5 A Yes.

6 Q Financial issues, correct?

7 A Yes.

8 Q It is your job to be familiar with these issues?

9 A Yes.

10 Q You also said you review the contract almost daily,  
11 correct?

12 A Correct.

13 Q Sir, my question to you is this: What is the maximum  
14 amount, under the contract that GEO holds with ICE, that ICE  
15 is to pay GEO?

16 A Well, I am going to answer that a bit differently. I have  
17 to say, again, to try to tie down on a multiple -- we are  
18 talking -- you said it -- it is a huge contract with multiple  
19 modifications and changes that happen all the time. If we  
20 look at one number that might be on one page, that may not be  
21 the same number today with all the modifications that have  
22 changed that contract. You are asking me to tell you  
23 something without looking at everything and doing all the  
24 arithmetic to it to determine an answer.

25 Q All right. Well, let's take a look at the contract.

1 Let's pull up Exhibit 129, please.

2 MR. WHITEHEAD: Your Honor, this is an exhibit that  
3 has already been marked and admitted in evidence.

4 BY MR. WHITEHEAD:

5 Q Sir, you should have a copy of the contract with you as  
6 Exhibit 129. If you would like to flip through. You can  
7 also look at your screen here. Let's start with the basics.  
8 I would like to look at Page 43 of the document itself.

9 MR. WHITEHEAD: Your Honor, this page bears Bates  
10 stamp GEO-State 36867.

11 BY MR. WHITEHEAD:

12 Q I am looking at the second paragraph. ICE is anticipating  
13 a one year base. We are going to call it up on the screen so  
14 you can see it more clearly.

15 Sir, what is the term of GEO's contract with ICE?

16 A Well, again, as I have said, this is a contract. If we  
17 went back to the first page, we could look at when this  
18 contract was initiated. There has been multiple  
19 modifications which have changed even this line of the  
20 contract. I can read the line. I think the document speaks  
21 for itself.

22 Q I agree. I will read it. ICE is anticipating a one-year  
23 base period with nine one-year and one six-month optional  
24 periods and a 60-day transition period.

25 Did I read that correctly?

1 A Pretty good reader.

2 Q All right. I would like to take a look at page 42, 42 of  
3 the document.

4 MR. WHITEHEAD: Your Honor, this bears Bates stamp  
5 GEO-State 036865.

6 BY MR. WHITEHEAD:

7 Q I would like to take a look, if we could get a call out on  
8 the last sentence there. It reads, "The total amount of the  
9 award is \$700,292,089.08." Did I read that correctly?

10 A Yes.

11 Q That represents the maximum amount ICE will pay under the  
12 contract to GEO, correct?

13 A Well, that states on this page, and I would assume with  
14 the multiple other pages that precede this with all the line  
15 items that lead up to that amount, we can add all the line  
16 items up. Again, there has been multiple modifications to  
17 the contract. That number could be higher, it could be  
18 lower.

19 Q Well, sir, as the facility administrator, what I am asking  
20 you is an open-ended question. Tell us what the number is?

21 A I think the document speaks for itself. That is the total  
22 amount. But if you go back through all the pages that you are  
23 not showing adding up to that, from Bates stamp --

24 Q I see you looking down. You have the complete contract in  
25 front of you?

1 A I do have the complete contract in front of me.

2 Q All right. Please take a moment to look at the contract  
3 and tell me what the total amount on the contract is?

4 A Well, like I am trying to explain, counselor, if I go back  
5 to Bates stamp last 38226 all the way to Bates stamp 864,  
6 there is a number of different line items in there. I would  
7 surmise if I added all those line items, I would equate to  
8 this number here shown on that last page of all these  
9 continuation sheets, and it would add up to the \$700 million.  
10 I have to tell you that this contract as laid out here is not  
11 complete with all the modifications, all the task orders,  
12 that have amended -- and amendments to this contract. I  
13 can't tell you that is the true number. It could be less.  
14 It could be more.

15 Q One component of GEO's payment from ICE is based on a  
16 bed-day rate. Do I have that right?

17 A I think we will find it in this large contract somewhere  
18 that defines bed-day rate.

19 Q You are jumping ahead on my question. I want you to focus  
20 on what I am asking you right now. My question is: One  
21 component of GEO's payment from ICE is something called the  
22 bed-day rate?

23 A I do see the bed-day rate on Page 46. It is Bates stamp  
24 036870.

25 Q The bed-day rate is the amount GEO pays for each detainee

1 housed at the detention center, correct?

2 A As a contract, I refer to the contract. The contract  
3 speaks for itself. I can read the bed-day rate on that page.

4 Q GEO is guaranteed payment by ICE for a certain number of  
5 beds, correct?

6 A If you have the modification, that is one of the portions  
7 of the modification or task order is to determine the types  
8 of payment.

9 Q Let's look at page two of the contract. If we could get  
10 the screen share back.

11 A Page two of the physical document or page two of the  
12 statement of work, what are we taking about?

13 Q Page two of Exhibit 129. You can follow along with the  
14 hard copy or look at your screen. There is a line item there  
15 in the middle of the page. Give us a moment here, we will  
16 bring it up for you all to see. We are looking at the middle  
17 of the page. We will blow it up so folks can see it more  
18 clearly. Detention bed days, guaranteed minimum beds 1,181.

19 A Are you looking at a specific line item?

20 Q I am. It is the one marked "0001A."

21 A Okay. I do see the one line item.

22 Q All right. It says, "Guaranteed minimum beds, 1,181."  
23 Did I read that correctly?

24 A You did read that correctly.

25 Q So this bed-day rate and the bed days, that's an amount of



1 beds that GEO is guaranteed to be paid regardless of how many  
2 people are housed at the Northwest Detention Center. If the  
3 actual detainee population dips below 1,181, GEO is still  
4 paid for at least 1,181 beds, correct?

5 A That is what the government put down in the line item.  
6 GEO did not write this contract. This is the government's  
7 language.

8 Q Well, sir, feel free to testify from your knowledge. You  
9 are testifying as the facility administrator on behalf of  
10 GEO. If you believe something differently, please say.

11 A Well, we take our job very seriously. As you said, the  
12 contract is very important. I would go right straight to the  
13 line item on the contract. If asked a question, I would pull  
14 up that page and I would read it.

15 Q As we pull up the contract and look here, we see GEO is  
16 guaranteed at least 1,181 beds. That bed-day rate, it  
17 includes several components; is that right?

18 A There is a definite definition in this contract that  
19 defines a bed-day rate.

20 Q Let's turn to page 46 of the contract.

21 MR. WHITEHEAD: This is bearing Bates stamp GEO-State  
22 36870.

23 BY MR. WHITEHEAD:

24 Q Let's see if we can do a call out on the sixth item. What  
25 we see there is the bed-day rate. It is described as an

1 all-inclusive burdened rate.

2 A I see the bed-day rate. Right above that is five, the  
3 definition of the bed day. I think that is important to know  
4 as well.

5 Q I want you to focus on my question. I am looking at the  
6 bed-day rate. My question is: The bed-day rate, it is an  
7 all-inclusive rate, correct?

8 A I think you see language in there "all inclusive" in that  
9 definition, right. That's a portion of a multiple line item  
10 contract.

11 Q Yes.

12 A We are talking about one portion of a contract.

13 Q Yes, we have heard that part of your testimony. I guess  
14 we'll have an opportunity to expand with your counsel. I  
15 want to focus on the bed-day rate. It includes direct costs  
16 for housing detainees, correct?

17 A I can read it for you, if you like.

18 Q I would like for you to answer my question. It includes  
19 the direct cost for housing detainees, correct?

20 A It reads, "Includes all costs inclusive of direct costs."

21 Q It includes indirect costs, correct?

22 A I see that on the page, sir.

23 Q You agree with me, includes indirect costs?

24 A I can read the definition as good as anybody. Yes,  
25 "indirect costs" right there.

1 Q What that means, sir, is GEO is already paid by ICE for  
2 clothing detainees, correct?

3 A Well, again, direct cost, indirect cost, overhead, profit  
4 necessary to provide the detention and food service  
5 requirements described in the performance work statement  
6 which is a large performance work statement with many  
7 different contract line items.

8 Q We will get to those. We will definitely talk about the  
9 profit baked into the bed-day rate. My question is whether  
10 ICE pays GEO for clothing detainee workers -- or detainees,  
11 GEO is paid by ICE, correct?

12 A We submit a bill to the contracting officer  
13 representative. Yes. ICE pays us on multiple different line  
14 items.

15 Q ICE pays GEO to feed the detainees at the Northwest  
16 Detention Center, correct?

17 A If you want to look at it that way, ICE pays everything.  
18 We do a service. ICE pays. We do detention managed services  
19 which cover a lot of different components in this performance  
20 work statement.

21 Q ICE pays GEO to care for the medical treatment of the  
22 detainees?

23 A No, that would be a very incorrect statement.

24 Q You would agree that ICE pays GEO to house the detainees?

25 A As part of detention managed services, we house detainees.

1 Q So there is no need to try and recoup, let's say, for  
2 example, the cost of clothing from detainees because GEO is  
3 already paid by ICE, would you agree?

4 A There is a lot of language in this contract. Repeat your  
5 question one more time.

6 Q You stay at a hotel and you go to check out. You might  
7 get a bill for the mini bar when you leave. When the  
8 detainees, who are far from staying at a resort, leave the  
9 Northwest Detention Center, there is never a bill that is  
10 handed to them for their stay, is there?

11 A No, we wouldn't charge detainees for clothing, for  
12 medical, for the toiletries.

13 Q That's because you are already paid by ICE for those  
14 items, correct?

15 A Well, I'll agree we are paid in many different line items,  
16 many different line items for those items.

17 Q Let's stick with the bed-day rate. If we could get a  
18 highlight on indirect costs, overhead and profit. The  
19 bed-day rate includes a projected profit to GEO; is that  
20 right?

21 A Well, sir, if you are asking me if we are a profit  
22 company. We are. ICE puts out a contract and asks for  
23 somebody to perform the services. Just like if I was to ask  
24 somebody to come do windows at my house, I would put out a  
25 contract and say who wants to do windows. I would say

1 everything I want to happen with those windows, what I am  
2 willing to pay. If somebody comes in and they want to do it,  
3 good, right? There is a lot of legal back and forth with  
4 that. ICE asks for a contract. We could go back to --

5 THE COURT: Just a minute, Mr. Scott. Your job here  
6 is to answer the questions asked. So please try and answer  
7 the questions asked and don't go beyond that. Just answer  
8 the questions.

9 THE WITNESS: Yes, Your Honor.

10 THE COURT: Mr. Whitehead.

11 MR. WHITEHEAD: Thank you, Your Honor.

12 BY MR. WHITEHEAD:

13 Q So my question is: GEO turned a profit at the Northwest  
14 Detention Center in 2018, correct?

15 A Yes.

16 Q 2017?

17 A Yes.

18 Q 2016?

19 A Yes.

20 Q 2015?

21 A Yes.

22 Q The contract -- actually, we can clear that off the screen  
23 now -- it includes several constraints on GEO; is that right?

24 A That is correct.

25 Q As a matter of fact, the contract has a list?

1 A Is that a question?

2 Q It is. The contract has a list of constraints that GEO  
3 operates under, correct?

4 A Yes.

5 Q Let's bring the contract back up. This is Exhibit 129.  
6 Let's look at the bottom of page 43.

7 MR. WHITEHEAD: Your Honor, this bears Bates stamp  
8 GEO-State 36867.

9 BY MR. WHITEHEAD:

10 Q We are looking at the very bottom section. I promise it  
11 is going to come up on the screen here in a moment. We will  
12 do a blow up. We will blow up the language I am talking  
13 about. At the bottom of the screen begins, "The following  
14 constraints comprise the statutory, regulatory, policy and  
15 operational considerations that will impact the contractor."  
16 Do you see that?

17 A I do.

18 Q The contractor in this case is GEO, correct?

19 A That is correct, we are the contractor.

20 Q The sentence there, it is an incomplete sentences, carries  
21 on to the next page, says, "The contractor is expected to  
22 become familiar with the constraints." Would you agree with  
23 that statement?

24 A I would.

25 Q Let's go to the next page. When we talk about these

1 constraints, again, we are talking about GEO's promises to  
2 ICE that GEO will operate under certain constraints, correct?

3 A You can put it that way.

4 Q Well, I want to look at -- there is a sentence there that  
5 says, "The constraints may change over time." If we could  
6 highlight that. That statement is a recognition that just  
7 like it says, the constraints can change over time, would you  
8 agree?

9 A Yes.

10 Q Well, I want to look down. There is a list that says,  
11 "Constraints include, but are not limited to." Then it has a  
12 long list of constraints that GEO must operate under. In  
13 particular, I would like to look at Item J. Give me a moment  
14 here. I will blow it up on the screen so everybody can  
15 follow along. Let's highlight that, too.

16 Item J says that GEO must operate under the  
17 Performance-Based National Standards. That's the PBNDS or  
18 the PDBNS?

19 A Shall I try?

20 Q Please, I think I butchered it.

21 A The Performance-Based National Standards or PBNDS.

22 Q Thank you, sir. That's one of the constraints. GEO must  
23 operate under the Performance-Based National Standards,  
24 correct?

25 A Yes.

1 Q Let's look at Item Q on that same page. Let's highlight  
2 that as well. Item Q says that applicable federal, state and  
3 local labor laws and codes are another constraint that GEO  
4 must operate under. Do you see that?

5 A Yes.

6 Q Did I read that correctly?

7 A You did.

8 Q When it refers to "state" in this case, we are talking  
9 about the State of Washington. Do I have that right?

10 A Yes.

11 Q Now, GEO must perform in accordance with these  
12 constraints. Do you agree?

13 A I do. There is also portions of the contract which state  
14 when there is multiple requirements, that the ICE standards  
15 will prevail.

16 Q I must have passed that along to you. That's a tough one  
17 to get out. How about this, the part about complying with  
18 applicable federal, state and local standards, that is  
19 repeated elsewhere in the contract, do you agree?

20 A And the PBNDS.

21 Q Yes, of course, the PBNDS. But specifically the part  
22 about the federal, state and local standards, that's repeated  
23 elsewhere in the contract, correct?

24 A Yes.

25 Q Let's look at Page 52.



1 MR. WHITEHEAD: This is GEO-State 36876.

2 BY MR. WHITEHEAD:

3 Q I am looking in sort of the middle there under the section  
4 that says "ambiguities." We will blow it up here. It says  
5 that all services must comply with the performance work  
6 statement and all applicable federal, state and local laws  
7 and standards.

8 Did I read that correctly?

9 A Yes.

10 Q It continues on, "Should a conflict exist between any of  
11 these standards, the most stringent shall apply." Did I read  
12 that correctly?

13 A You read it correctly.

14 Q The word "stringent," what does that mean?

15 A It means it is important.

16 Q Means to follow the highest standard, correct?

17 A I am sure there is a legal definition for that. I don't  
18 have a legal dictionary in front of me. I read it the most  
19 stringent standard shall apply. The highest standard shall  
20 apply.

21 Q Well, let's go ahead and clear that off the screen.

22 We heard a lot about it the last week or so, the  
23 contract requires GEO maintain a voluntary work program,  
24 correct?

25 A Can we bring the last "ambiguities" back up?

1 Q No, sir. You'll have an opportunity when GEO's counsel  
2 asks you questions. We are getting late in the day so I want  
3 to keep moving forward. My question was: The contract, it  
4 all requires GEO to operate a voluntary work program?

5 A Contract does.

6 Q The contract offers examples of work that detainee workers  
7 can perform. Do I have that right?

8 A Correct.

9 Q The contract, however, doesn't dictate any basic job  
10 categories that GEO has to offer workers, correct?

11 A The -- if we go to that section of the voluntary work  
12 program, it does list out a number of kind of categories in  
13 that section.

14 Q Sir, the contract, it doesn't dictate any basic job  
15 categories. Do you agree with that statement?

16 A No, I don't.

17 Q Well, you know, we talked about this before, the fact that  
18 when we met before and I have asked you questions under oath.  
19 Do you also remember that at the deposition, there was  
20 someone taking down statements, the questions and the answers  
21 and creating a transcript? Do you remember that?

22 A I do.

23 Q Your deposition was videotaped. Do you remember that?

24 A I do.

25 Q Sir, isn't it true that when I deposed you previously, you

1 told me that the contract doesn't dictate any basic job  
2 categories?

3 A If we could look at the entire deposition of the  
4 transcript. The deposition a lot of times is a lot of  
5 leading questions up to that. I would not want to be taken  
6 out of context. The contract does show those categories.

7 Q Sir, I have a clip I would like to play for you from your  
8 deposition.

9 MR. WHITEHEAD: Counsel, this is from the 30(b)(6)  
10 transcript. There was an objection we edited out. That's  
11 because Your Honor has ruled on it previously. This is Page  
12 73, Lines 1 through 6. Could we get clip 25, please?

13 (Video Clip 25 played as follows:)

14 "Question: What are the basic job categories?

15 "Answer: There are no basic job categories as listed by  
16 the standard. There are a number of program activities that  
17 detainees can volunteer into in various parts of the  
18 facility."

19 (Video Clip 25 concluded.)

20 Q Sir, was that you in the video?

21 A Absolutely was.

22 Q I want to --

23 A We were talking about the standard, not the contract.

24 Q Well, the contract, it leaves it to GEO to develop a  
25 detainee worker program, correct?

1 A The contract requires a voluntary work program.

2 Q The word "develop," that word is on GEO. It is GEO to  
3 develop the worker program?

4 A I would disagree. There is section --

5 Q Let's go to the contract. Let's look at Exhibit 129,  
6 please. We are going to bring up Page 82.

7 MR. WHITEHEAD: This is Bate stamp GEO-State 36906.

8 BY MR. WHITEHEAD:

9 Q Looking there, sort of in the middle bottom of the page,  
10 "manage detainee work program." Let's blow up that first  
11 paragraph. Sir, the first sentence reads, "Detainee labor  
12 shall be used in accordance with the detainee work plan  
13 developed by the contractor."

14 A We develop that.

15 Q Did I read that correctly?

16 A I was saying about another line in the contract.

17 Q Again, sir, don't try to anticipate my questions. I just  
18 want you to answer the questions that I am posing to you.

19 A Well, so, I am trying to, sir. Some of my answers may be  
20 from a different part of the contract than you are thinking.

21 Q It is also very important that we speak one at a time,  
22 especially over Zoom. Just gets horrible for everybody.

23 Sir, that line there says, "Detainee labor shall be  
24 used in accordance with the detainee work plan developed by  
25 the contractor." Did I read that correctly?

1 A Yes.

2 Q All right. The contractor in this sentence, it is GEO,  
3 right?

4 A Northwest ICE Processing Center, yes.

5 Q Let's keep reading down. There is a sentence there at the  
6 bottom. It says -- of the called out portion, it says, "The  
7 detainee work plan must be voluntary and may include work or  
8 program assignments for industrial, maintenance, custodial,  
9 service, or other jobs." Do you see that?

10 A I do see that.

11 Q What is the significance of the word "may"?

12 A It can include those but doesn't have to.

13 Q Exactly, it gives GEO the option, correct?

14 A Right, in a broad sense of the contract.

15 Q One thing GEO cannot do, however, and I am reading the  
16 last sentence there, is use detainee workers -- "Detainees  
17 shall not be used to perform the responsibilities or duties  
18 of an employee of the contractor." Did I read that right?

19 A Yes.

20 Q Again, the contractor is GEO?

21 A Yes.

22 Q Well, sir, even so, despite that prohibition that detainee  
23 shall not be used to perform the responsibilities of duties  
24 of an employee of the contractor, here is what you told me  
25 during the deposition.

1 MR. WHITEHEAD: This is going to be clip No. 26,  
2 counsel. This is Page 74, Lines 6 through 18.

3 (Video Clip 26 as follows:)

4 "Question: Do detainee workers work in the kitchen?

5 "Answer: Detainees volunteer to work in the kitchen.

6 "Question: Do detainee workers work in the laundry unit?

7 "Answer: Detainees volunteer to work in the laundry.

8 "Question: Do detainee workers perform janitorial  
9 services?

10 "Answer: Detainee workers clean portions of the facility  
11 in multiple different areas. 'Janitorial services' is a  
12 broad term.

13 "Question: Do detainee workers work in the barbershop?

14 "Answer: I do have detainee workers volunteer in the  
15 barbershop.

16 "Question: Do detainee workers paint?

17 "Answer: We do have detainees that volunteer to paint."

18 (Video clip concluded.)

19 Q Again, sir, was that you in the video?

20 A Yes.

21 Q Sir, I asked you at the outset whether you were present  
22 for most, if not all, of trial. We know you were present  
23 during opening statement because we saw you appear on screen.  
24 You were there, correct?

25 A Yes.

1 Q And that means I know you heard GEO's counsel make a  
2 statement to the effect that GEO has hundreds of utility  
3 players that it can plug in anywhere if detainee labor were  
4 removed from the equation. Do you remember a statement to  
5 that effect?

6 A Something to that effect.

7 Q That it was as simple as GEO sliding staffers from one  
8 post to another was the implication, anyway.

9 A I would say it a little bit differently. Yeah.

10 Q I asked you during your deposition what GEO would do in  
11 the event of a prolonged detainee worker work stoppage. You  
12 mentioned that GEO would have to pay overtime to existing  
13 workers. Correct?

14 MS. SCHEFFEY: Objection, improper impeachment. We  
15 are once again reading in a deposition without giving the  
16 page number.

17 THE COURT: Fair objection, counsel.

18 BY MR. WHITEHEAD:

19 Q Sir, in the event of a prolonged detainee work stoppage,  
20 GEO would have to pay overtime to existing employees,  
21 correct?

22 A Well, the word "overtime" has a definite definition to it,  
23 right? I mean, I may hold staff over. Let's say, for  
24 example, if I had a staff that just came back off vacation,  
25 he was on vacation six out of seven days and I held him over

1 for four hours, it would not be overtime. I have a staffing  
2 plan. I have emergency contingency plans for many different  
3 things including a work stoppage, prolonged, as you say,  
4 although we have never had a prolonged work stoppage, many  
5 different ways we can handle the work that needs to be done  
6 at the facility.

7 Q I am not sure I heard an answer to my question. My  
8 question was: In the event of a prolonged work stoppage, GEO  
9 would have to pay overtime to existing workers, correct?

10 A Not necessarily.

11 Q You disagree with that statement?

12 A Overtime -- you have to -- define "overtime" for me.

13 Q Sir, you are the facility administrator. You have your  
14 finger on the budget. You tell me, what is overtime?

15 A All right. More than likely if I hold somebody over to  
16 overtime, it doesn't always mean the overtime.

17 Q Okay. GEO would have to call in extra workers from other  
18 facilities in the event of a prolonged detainee work  
19 stoppage, correct?

20 A That is a portion of one of the contingency plans, TDY  
21 type of people, yes.

22 Q In the event of prolonged work stoppage, GEO would have to  
23 look at third-party staffing companies?

24 A As a potential, we could look at third-party staffing,  
25 kind of like was done in the kitchen when the facility was



1 opened and expanded.

2 Q Sir, you didn't mention anything about utility players  
3 picking up the slack. Here is what you said during your  
4 deposition. This is going to be Clip 27. This is from the  
5 30(b)(6) transcript. This is Page 89, Line 5 through Page  
6 90, Line 18.

7 (Video Clip 27 as follows:)

8 "Question: Mr. Scott, before the break I had asked you  
9 some questions about different work stoppage scenarios, work  
10 stoppage on the part of detainee workers. You told me about  
11 some of the considerations or contingencies that GEO had in  
12 place. Do you recall having that discussion?

13 "Answer: I remember talking about detainee work  
14 stoppages.

15 "Question: If I understood you correctly -- this is  
16 not to put words in your mouth -- but that you listed off  
17 several options, one being overtime for existing workers. Is  
18 that correct?

19 "Answer: That could be a potential option.

20 "Question: You had mentioned pulling in workers from  
21 other parts of the facility. Did I get that right?

22 "Answer: As far as overtime periods, yes.

23 "Question: As well as pulling in GEO workers from  
24 other GEO facilities to work at the Northwest Detention  
25 Center. Did I get that right?

1 "Answer: I did say that TDY options would be  
2 available.

3 "Question: What does "TDY" stand for?

4 "Answer" temporary duty.

5 "Question: You mentioned that a third-party  
6 contracting agency would be an option. Did I get that right?

7 "Answer: That could be an option.

8 "Question: Beyond what we just discussed, are there  
9 any other options or considerations that GEO would have to  
10 address a detainee worker stoppage of a prolonged nature?

11 "Answer: Again, it would be difficult to outline every  
12 potential option based on the relevant information that would  
13 be with any event. The options that I listed now are the  
14 options that I can think of that would be considered in any  
15 prolonged detainee work stoppage."

16 (Video clip concluded.)

17 Q One thing that you would not consider is robbing from one  
18 post to fill another in the event of a detainee work  
19 stoppage, correct?

20 A Well, there is different types of posts. We would have to  
21 really drill down to look at individual posts, post by post.  
22 I would not take out of an open housing unit or detainee -- I  
23 had detainees in a housing unit and had an officer staffing  
24 that direct supervision in the housing unit, I would not take  
25 that housing out. If it were a visitation day and I had

1 nobody in visitation at that very moment, I could use those  
2 visitation officers that I have on my staffing plan. I could  
3 redeploy them up until the time other visitation comes in. I  
4 would need to put them back. It is a very fluid management  
5 just controlling resources.

6 Q Sir, let's see what you said before. Let's look at clip  
7 28. This is Page 78, Line 16 through Page 79, Line 2.

8 (Video Clip 28 as follows:)

9 "Question: You would agree with me, though, that  
10 pulling personnel from other parts of the facility into the  
11 kitchen could impact the operations of other parts of the  
12 facility?

13 "Answer: No, sir, we would not rob posts to fill  
14 another one. We would offer overtime, we would seek possibly  
15 TDY staff from other facilities. I'm sorry, seek TDY,  
16 temporary staff. There are a number of options available.  
17 Speculating on the potentials of anything would just be that,  
18 speculating and planning for potential occurrences."

19 (Video clip concluded.)

20 Q Sir, authorizing overtime, bringing in temporary duty  
21 employees, retaining contractors, these are all options that  
22 would eat into GEO's profit under its \$700 million contract  
23 with ICE, correct?

24 A Depends on how the TDYs were done. If I had to pay for an  
25 outside contractor, I would pay for the outside contractor.

1 If I had to bring TDY staff in from other duty locations, how  
2 that interoffice billing would be worked, that can get tricky  
3 sometimes. Like I was trying to say in there, and we talked  
4 about some of those options, we didn't talk about all of the  
5 options.

6 Q Sir, paying the detainee workers one dollar a day presents  
7 a far cheaper option for accomplishing the same work,  
8 correct?

9 A I don't look at it this way. The detainee voluntary work  
10 program is required by the contract and the standard and also  
11 required by the ACA standards as an option to give detainees  
12 something to do to not be idle. The words are strictly out  
13 of the ICE standard and contract for them to participate in a  
14 voluntary work program.

15 Q The work program, to quote you, gives the detainee worker  
16 something to do. Is that your testimony?

17 A Well, it improves morale, decreases idleness, fewer  
18 disciplinary actions, that would be my testimony.

19 Q Provides to GEO a ready-made cheap labor source?

20 A I don't look at it this way. We take very good pride in  
21 following the standards in meeting our accreditations. We  
22 are audited on these things quite regularly by multiple  
23 sources that look at that voluntary work program in depth and  
24 look at how we are doing it.

25 Q Thank you, sir. Your attorney may have some additional

1 questions for you. I don't have anything further at this  
2 time.

3 CROSS-EXAMINATION

4 BY MS. SCHEFFEY:

5 Q Good afternoon. Mr. Scott, take a deep breath for me. I  
6 haven't seen your smile yet today.

7 A Let me take another drink of water. Good afternoon.

8 Q I am going to start by putting up the contract. Exhibit  
9 129. I am conscious we are short on time for the day. While  
10 our staff gets the contract up, do you have a copy of it in  
11 front of you?

12 A I do.

13 Q What is this document?

14 A This is the contract that was put forward by the  
15 United States Government, especially the -- specifically the  
16 Department of Homeland Security seeking detention-managed  
17 services and somebody to perform a very critical, needed step  
18 for the United States of America for somebody to do. That is  
19 what this contract is.

20 Q Okay. I want to go to the page that is Bates stamped  
21 036867. What is the objective of this contract, when you get  
22 there?

23 A I will start reading while it gets there. The objective  
24 of this contract -- the objective of this contract is to  
25 obtain a facility for the detention, transportation and food

1 services for ICE detainees located in Seattle, Washington,  
2 that are in support of the ICE ERO, which is enforcement  
3 removal operations, Seattle field office. The contractor  
4 shall furnish the facility and services inclusive of a  
5 trained and qualified management staff, supervision,  
6 manpower, relief officers, uniforms, equipment, vehicles and  
7 supplies, which includes firearms, ammunition, body  
8 restraints, non-lethal devices, body armor, radios, cellular  
9 telephones to provide support seven days a week, 24 hours a  
10 day. That's the objective that the government wanted in a  
11 contractor.

12 Q I appreciate you reading that for me. Can you put that in  
13 your own words, what is the point of the contract?

14 A The point of the contract is to provide safe and secure  
15 detention, to provide world class safe and secure detention  
16 management services to the United States Government, that  
17 protecting its laws and its interests and to provide in a  
18 safe and secure manner that respects the dignity of the  
19 detainees that we watch day-to-day.

20 Q So does this contract require GEO to provide secure  
21 housing?

22 A Absolutely must provide secure housing.

23 Q Are you required to follow the directives in this  
24 contract?

25 A I am.

1 Q Okay. We have talked about the Performance-Based National  
2 Detention Standards or PBNDS, which we use the acronym in  
3 this case, it sounds like, because we can't all say it well.  
4 How do those relate to this contract?

5 A The contract, as we pointed out earlier, requires the  
6 PBNDS. The PBNDS is another large tome, 450 some pages of  
7 standards that we are required to follow. Those standards  
8 are written by the government and non-government  
9 organizations. GEO did not write those standards. We have  
10 to follow every one of those standards because we get audited  
11 quite immensely, a lot of oversight on those standards to  
12 make sure we do exactly what we are supposed to do to provide  
13 the safe and secure detention management services that  
14 respects the rights of the detainees.

15 Q Let's turn to Page 45 of this contract, which is GEO-State  
16 36869. If we could call out the "performance" section. Is  
17 that the section you are referring to when you say GEO has to  
18 follow the Performance-Based National Standards?

19 A Yes. It requires multiple things, not just  
20 Performance-Based National Standards, but to be ACA  
21 accredited. We have to be ACA accredited, which is the  
22 American Correctional Association. That is a very  
23 challenging, very challenging accreditation. I tell you, I  
24 know for a fact that only, besides us, three other facilities  
25 in the entire state of Washington have that certification.

1 Q Who wrote the Performance-Based National Standards?

2 A ICE, government folks at the highest levels. I know they  
3 have some NGOs, non-governmental organizations that work with  
4 that, people out of the -- attorneys and, you know, the  
5 United States Bar helps. That document was drafted by some  
6 really smart people. It was not drafted or created by GEO.

7 Q Do you know if the standards are made to ensure uniformity  
8 across the country for detainee care?

9 A That's how I relate the word "standard." That is a good  
10 point, whether it is a private company that performs  
11 detention-managed services or if it is a government-run  
12 facility, they have to follow the same exact standards. Like  
13 I know our folks on site upstairs with ICE, they have to  
14 follow these same standards as well.

15 Q I believe those standards have been admitted as Exhibit  
16 127. If we could pull those up. While we go there, my  
17 question for you is: Do those -- do the PBNDS contemplate  
18 the voluntary work program?

19 A Absolutely, they do.

20 Q Okay. If our great tech people, I know it is late in the  
21 day, could turn to the page that has Section 5.8 on it, that  
22 would be great. Do you know, Mr. Scott, what the PBNDS says  
23 is the purpose of the voluntary work program?

24 A The purpose of the voluntary work program, there is a  
25 couple things listed in here. The main purpose of the



1 voluntary work program is to provide the detainees an  
2 opportunity to work which has the -- and to participate in a  
3 voluntary work program, which meets the needs of the facility  
4 and decreases their idleness, gives them something to do  
5 which improves morale. When they are happy and they are  
6 engaged, which for the most part they are, then things go  
7 very well and disciplinary events at that facility go down.  
8 We have seen this work so well in not only our facility, but  
9 throughout other facilities to include prisons and jails  
10 which operate under very similar standards, especially all  
11 those that are out there that are accredited by ACA. You  
12 know, if they are accredited by ACA, they have a very similar  
13 voluntary work program.

14 Q When you say we have seen this go very well, what happens  
15 when there is a bunch of bored people in a facility?

16 A Well, they are going to occupy their time. As the old  
17 adage says, idle hands get into many things. If they are not  
18 otherwise engaged, they can start maybe doing those things  
19 they shouldn't be doing like making the pruno or homemade  
20 alcohol, trying to circumvent security, escapes, fights  
21 increase. Refusing of staff orders increase. There is a  
22 whole disciplinary section to the standard as well that  
23 covers all the different types of things that happen inside a  
24 facility. When they are idle and not doing anything, not  
25 actively engaged, that's the kind of stuff that can happen.

1 The voluntary work program, in my experience in the 11 years  
2 I have been at the Northwest ICE Processing Center and the  
3 multitude of positions that I have been in, detainees like  
4 being engaged. They are actually very proud of what they do.  
5 As I walk through my rounds weekly, they talk to me all the  
6 time about how proud they are of what they are doing. They  
7 like to show me what they have done.

8 Q I am going to have our team call out Item 4 on the right  
9 side of the page that is up on the screen. I am going to ask  
10 if you see that. Is this right here one of the purposes of  
11 the voluntary work program?

12 A Yes, that is what I was working on earlier. That just --  
13 just to know that portion of the ICE standard is under the  
14 expected outcomes. Those are what the auditors look at us to  
15 make sure -- they expect us to follow these. These are one  
16 of the things they look at heavily when they come to audit  
17 us.

18 Q Is this definition right here on the screen, is this  
19 Bruce Scott's idea of why the voluntary work program should  
20 exist?

21 A Not my idea.

22 Q Whose idea is it?

23 A The idea of all the smart people and NGOs and the bar that  
24 created this document.

25 Q How long has the voluntary work program been a detention

1 standard requirement for the Northwest ICE Processing Center?

2 A I can definitely speak to my 11 years here. We have had  
3 one the whole time. I know it was when I was the compliance  
4 administrator for the company. I had to look at the 2000  
5 standards, 2008 standards, 2011 standards, two revisions  
6 under the 2011 standards. The voluntary work program has  
7 been in play since as long as I can remember of finding in  
8 any detention standard even before the Performance-Based, go  
9 back to the National Detention Standards, the voluntary work  
10 program was there.

11 Q Do you know if the Northwest ICE Processing Center is the  
12 only facility where there is a voluntary work program?

13 A No, every other facility has -- we are late in the day.  
14 Nobody asked me all the things I have done. I feel a little  
15 bad about that. I was the contract compliance director for  
16 the western region and had an opportunity to see many  
17 different facilities in the western region to include  
18 state-run contracts in Arizona, New Mexico, California; every  
19 single facility I visit has a voluntary work program.

20 Q Are the detainees in any voluntary work program that you  
21 visited paid minimum wage?

22 A No.

23 Q I am going to go back to the contract, Exhibit 129, page  
24 47. It is going to be Bates number 036871. When we get  
25 there, I am going to have the definition of "detainee" called

1 out. Let me know when you have gotten there in your paper  
2 copy, Mr. Scott.

3 A I am there in my paper copy.

4 Q Does the definition of "detainee" indicate that detainees  
5 will be employees?

6 A No, it does not.

7 Q A little bit up on that page, definition 14, if we can  
8 pull it out. What is that definition?

9 A That is a definition of a contract employee, which is what  
10 my staff do. They are hired to perform a variety of detailed  
11 services under this contract.

12 Q You talk about your staff, are you talking about GEO  
13 staff?

14 A Contractor employee would be GEO staff. Completely  
15 separate and different from a detainee.

16 Q Does the definition of contractor employee say that it  
17 could be a detainee?

18 A No, it does not.

19 Q Are you aware of anywhere in this contract that  
20 contemplates detainees will be employees?

21 A No. Quite separately. There is an area where it says  
22 they can't be employees.

23 Q Where is that section?

24 A If we went to page 70 of the contract. This will be Bates  
25 stamp 036894. It would be, if we call out the second

1 paragraph on that page from the top of the page. Since we  
2 work for the Department of Homeland Security, we have access  
3 to information that comes from their information system,  
4 especially when it deals with the criminality and criminal  
5 history of detainees. The staff have access to that. The  
6 use of non-U.S. citizens including lawful permanent residents  
7 is not permitted in the performance of this contract. There  
8 is a number of other sections in the employment. Whole area  
9 on personnel requirements, some of which was brought up by  
10 Mr. Whitehead on the employment section. There is a lot of  
11 different requirements that a GEO staff member has to go  
12 through to be cleared by the United States Government to have  
13 a security clearance very similar to a secret clearance that  
14 I had in my time in the armed services -- I am retired Air  
15 Force -- to protect national security that they would not be  
16 able to work under this contract.

17 Q Let's go to Page 63 of this contract, which is also  
18 GEO-State 036887. If we could call out Section D, the  
19 minimum personnel qualifications standard. Does this section  
20 require employees of GEO to have a Social Security number?

21 A Yes, it does.

22 Q Are you aware of any detainees who have Social Security  
23 cards?

24 A That information, I don't get from ICE. They maintain  
25 that information so I would not be able to know that

1 particular aspect.

2 Q Has ICE ever asked you for work authorization documents  
3 related to detainee volunteers?

4 A No, ICE has never asked for that.

5 Q Do you know if ICE is the one who enforces immigration  
6 laws with respect to whether people are work authorized?

7 A That is a requirement of ICE. It is actually called out  
8 in the contract as well. It explains that.

9 Q Has ICE ever asked you to have detainee participants meet  
10 the standards for employment under the contract?

11 MR. WHITEHEAD: Objection, leading.

12 THE COURT: Sustained.

13 BY MS. SCHEFFEY:

14 Q Yeah. What requirements does ICE give you for detainee  
15 volunteers in the voluntary work program?

16 A ICE requires us to have a program. We have to work with  
17 the contracting officer's representative. One thing we  
18 didn't get into about contracts, and I remember from my early  
19 day as a young airman, This is from 30, 25, 27 years ago that  
20 I learned really quick. I cannot obligate funds under a  
21 federal contract, only the contracting officer has the  
22 availability to authorize any funding or changes to the  
23 contract. We work very closely with ICE, the OIC, the  
24 contracting officer's representative when it comes to the  
25 voluntary work program because we are limited to a line item

1 amount, and I have to work closely with them to make sure  
2 that we have -- you know, obligating that money and getting  
3 as many detainees as possible to volunteer that we can. We  
4 work closely with that contractor representative to make sure  
5 if we go over the line item, they know and authorize that in  
6 the position. The annual reports show them what is going on  
7 with the voluntary work program when they review that or  
8 review our policies. They take a very hand-in-hand approach  
9 with us on a multitude of this, the standard in the contract.  
10 That is why it is on my desk almost every single day.

11 THE COURT: Okay. It is quitting time for the day.  
12 We will reconvene, folks, tomorrow at nine. We will continue  
13 at that time.

14 Are you all getting along okay? You seem so remote. It  
15 is hard to make friends out of a jury panel when you are not  
16 in the next room or in the same room, same courtroom.

17 Okay. Follow my instructions about recesses. Be back at  
18 nine in the morning ready to go. You may be excused.

19 (The following occurred outside the presence of the jury.)

20 THE COURT: Let's leave counsel on the screen for a  
21 minute, Tyler.

22 I don't like to break in when there is no objection.  
23 Simple questions do not justify a lengthy discussion that  
24 goes way beyond the question.

25 Mr. Scott, you are still here to hear this. This is

1 directed toward you. You need to answer the question asked  
2 and then stop and not make a speech about what you want to  
3 talk about, but to answer the questions that the lawyers ask  
4 you. It is hard to be a witness because the communications  
5 that we use in court, the communication system is different  
6 than what you might use at work or at a cocktail party or  
7 anywhere else. So the point is, we will go a lot faster if  
8 you just answer the questions and stop your answer when you  
9 have answered.

10 Okay. See you all tomorrow morning. Nine a.m.

11 MS. MELL: Your Honor, I do have one comment.

12 THE COURT: Yes.

13 MS. MELL: Along those same lines, I am seeing it is  
14 really improper use of deposition testimony to be putting up  
15 the screen and reading the Q and A before the witness has had  
16 an opportunity to read it and the Court has had an  
17 opportunity to read it. Seems to me we are missing a step in  
18 the usual publication process. I am not sure I know how to  
19 address that in the Zoom trial. It is frustrating to sit  
20 here and see that go on. Typically, you can object and the  
21 witness gets to look.

22 THE COURT: I think you are probably right in that  
23 regard. I would suggest to counsel that you review the  
24 requirements for use of depositions or other documents or  
25 videos to impeach the witness. There is a little formula you



1 go through to identify the impeaching material. I think we  
2 kind of skipped the step a number of times with the video  
3 clips.

4 MR. WHITEHEAD: Your Honor, I will say that first I  
5 do know how to impeach a witness. I subscribe to the notion  
6 of three Cs, commit, credit and confront. Mr. Scott's  
7 deposition was different. This was a deposition that was  
8 taken as a 30(b)(6) designee so Federal Rule 32(a), I believe  
9 it is, allows us to use the deposition of a party opponent  
10 for any purpose. That's what you saw today, Your Honor.

11 THE COURT: Well, you should make that clear to the  
12 old judge so I know what you are doing.

13 MR. WHITEHEAD: For the record, I would say also that  
14 all of the testimony that you saw today, Your Honor, had been  
15 designated over what, a year ago, whenever we did the first  
16 run up to trial. Counsel has had an opportunity to weigh in  
17 on everything that was shown today. Your Honor has in fact  
18 ruled on many of the objections.

19 THE COURT: Okay. I know more right now about what  
20 you are doing than I knew before. Raise whatever objections  
21 may be appropriate tomorrow, if there are any, and we will  
22 rule on them right or wrong to keep things moving.

23 MS. SCHEFFEY: One last thing. If we could just  
24 maybe schedule getting an offer of proof, who is going to be  
25 in line, then we are not tracking people down who have walked

1 away from the computer, at least at the beginning of the  
2 morning so we know who is up and who is on deck.

3 THE COURT: Ms. Scheffey, you drop your voice at the  
4 end of sentences a lot. I have -- fortunately, I have real  
5 time. You should know that sometimes you drop your voice at  
6 the end of a sentence and it makes it hard to hear you.

7 Now, your question is addressed to whom? You are asking  
8 for what is going to happen tomorrow?

9 MS. SCHEFFEY: I am -- sorry, go ahead, Joan.

10 MS. MELL: I was going to say, we are trying to  
11 juggle a number of witnesses who plaintiffs are calling who  
12 are trying to also be at work running the facility as well.  
13 We are queueing them up. When we get the notification of who  
14 is, the list of witnesses, we don't know the order. It would  
15 be helpful. If they don't want to give it to us when they  
16 give us the list, the order they are going to call them in,  
17 if they could give it to us in the morning, we could have the  
18 right person on standby.

19 THE COURT: That's a reasonable request, I think, for  
20 all concerned. If you know the order you are going to call  
21 your witnesses, tell them so they can get ready.

22 MS. MELL: Thank you.

23 MR. WHITEHEAD: The only thing I would add to that, I  
24 would hope GEO would reciprocate when it gets into their  
25 case, the DHS --

1 THE COURT: Absolutely. Absolutely. Okay. See you  
2 tomorrow.

3 (The proceedings adjourned.)  
4

5  
6 C E R T I F I C A T E  
7

8  
9 I certify that the foregoing is a correct transcript from  
10 the record of proceedings in the above-entitled matter.  
11

12  
13  
14 */s/ Angela Nicolavo*

15 ANGELA NICOLAVO  
16 COURT REPORTER  
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